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Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record (partial)* of the 31st meeting

Held at the Palais des Nations, Geneva, on Monday, 13 June 2016, at 10 a.m.

Chair: Mr. Sadi

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10 a.m.

Substantive issues arising from the implementation of the International Covenant on Economic, Social and Cultural Rights

Submissions by national human rights institutions and non-governmental organizations

United Kingdom of Great Britain and Northern Ireland

1. **Mr. Bloom** (Equality and Human Rights Commission) said that the Human Rights Act 1998 had led to greater quality and accountability in the delivery of public services. In the view of the Equality and Human Rights Commission, any changes to the human rights framework should not be regressive and should seek ways to better protect economic, social and cultural rights. Among those ways was the implementation of Part 1 of the Equality Act 2010, and the introduction of mechanisms to monitor whether legislation and budgetary measures were progressively realizing the rights provided under the Covenant.

2. The Government of the United Kingdom should also consider the impact of policy on potentially vulnerable groups, including by conducting cumulative impact assessments. Recent social security reforms had had a disproportionate impact on the rights of women, children and persons with disabilities. Measures such as the household benefit cap, limitations on child tax credits and the closure of the Independent Living Fund, for example, did not take into consideration the Committee's guidelines for policy adjustments in times of economic crisis.

3. Although child poverty rates had slightly improved, the targets of the recently repealed Child Poverty Act 2010 had not been met. The focus on work as a solution to poverty did not address other obstacles, such as the working poor and social security reform. Youth, Muslims and persons with disabilities had high unemployment rates, and there were millions of underpaid workers. In the view of the Equality and Human Rights Commission, the national living wage should be adequate to cover the costs of living anywhere in the United Kingdom and should include young people aged 25 and over. Although the gender pay gap had decreased since 2009, it was still above 19 per cent; childcare was often unaffordable; and pregnant women and young mothers were often forced out of work.

4. Legal aid restrictions in England and Wales had affected the ability to seek assistance when rights were breached in the areas of housing, immigration, social security, employment and education, a problem which had a particular impact on women, ethnic minorities and persons with disabilities.

5. Cuts in funding for mental health services had resulted in an increase in the use of police detention for persons in crisis, including children. Suicide rates had increased; deaths in detention could certainly be prevented through a number of measures, including independent investigations into non-natural deaths.

6. **Mr. Quiroz** (Scottish Human Rights Commission) said that the right to an adequate standard of living had been negatively impacted by welfare reforms. The Scottish Human Rights Commission was categorically opposed to the repeal of the Bill of Rights, which would undermine the principles of universality and human rights accountability. The Commission also wished to recall the Government's duties under article 2 of the Covenant; the new tax, welfare and borrowing powers, if allocated appropriately, were crucial to the realization of economic, social and cultural rights throughout Scotland.

7. Very little progress had been made in redressing health inequalities, which particularly affected older persons, ethnic minorities and travellers. Treatment of mental health problems was unreliable for both the general public and for prisoners; the number of

prisoners with mental health problems was rising, even though the overall prison population was decreasing in size.

8. Although poverty levels remained the same, material deprivation had increased, particularly for persons with disabilities, ethnic minorities and women and children. Sixty per cent of Scottish children lived in households in which at least one person was unemployed. The rate of construction of social housing was inadequate. Poverty was steadily increasing from year to year. Food banks were now a regular part of Scottish life. In rural areas, vital services had been lost. All those issues had been exacerbated by welfare reforms and public spending cuts.

9. The Scottish Human Rights Commission asked the Committee to call on the Government to ensure that such reforms were temporary, proportionate and necessary, and that fundamental rights would be guaranteed in a non-discriminatory manner.

10. **Ms. Russell** (Northern Ireland Human Rights Commission) said that, since the Northern Ireland Executive had failed to reply to the Committee's list of issues, the Northern Ireland Human Rights Commission would give the fullest possible account of the situation in that country. It joined with others in expressing support for the Human Rights Act 1998. She would discuss four key issues: social security reform, poverty, termination of pregnancy, and the protection of the Irish language.

11. Political talks in November 2015 had led to an agreement to mitigate some of the adverse impacts of recent social security reforms over the next four years. The outstanding concerns included whether or not the so-called Bedroom Tax, which imposed an extra tax on underoccupancy, would be implemented, and whether the mitigation scheme would effectively protect the most vulnerable from the adverse impact of reforms.

12. In view of the considerable increase in the use of food banks and the exacerbation of poverty among working age adults, the Commission called on the Northern Ireland Executive to adopt the anti-poverty strategy that the High Court had ordered in 2015. Since the target to eliminate child poverty by 2020 was unlikely to be met — and in fact child poverty was expected to rise — the Commission asked the Committee to request the Government to explain what it would do to protect the economic and social rights of children.

13. The Commission had challenged the Department of Justice with respect to provisions of the law on the termination of pregnancy in the event of a fatal fetal abnormality or when the pregnancy had resulted from rape or incest; the High Court had upheld some of its arguments and rejected others. The case was under appeal and cross-appeal; the Commission asked the Committee to request that the Government of the United Kingdom ensure that the criminal law in Northern Ireland complied with human rights standards, giving women and girls access to termination of pregnancy under defined circumstances.

14. Lastly, the Commission requested the Committee to exhort the Government to support legislation to protect and promote the Irish language.

15. **Mr. Burton** (Just Fair) said that Just Fair, which represented a coalition of 18 charities in the United Kingdom, had submitted two reports to the Committee, one of which contained replies to some of the issues raised in the Committee's list of issues (E/C.12/GBR/Q/6). It also endorsed the remarks of the national human rights commissions.

16. The consideration of the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland came after unprecedented cuts to public services in those countries, affecting both the working poor and persons unable to work. It was clear that the social security policy of the Government did not meet the terms of the Covenant, as was explicated in a 2012 letter from the Chairperson of the Committee to all States parties. It

was also clear that those cuts were not temporary and not designed to deal with an emergency situation: they were permanent and the Prime Minister had recently described them as "morally right". Independent findings had revealed that the reforms had deprived many persons of sufficient income for an adequate standard of living; nor could current benefit levels meet the essential needs of persons with disabilities.

17. Moreover, increasing numbers of people were using food banks, and asylum seekers and migrants were granted only £5 per person, per day — a grossly inadequate sum. Cuts in government benefits had been exacerbated by the decline in social housing, resulting in homelessness. The National Living Wage, though higher, could not be called a true "living wage".

18. In the view of Just Fair, the cuts could not be justified under the terms of the Covenant.

19. **Ms. Lovejoy** (Just Fair) said that while the United Kingdom had increased the tax-free personal allowance, it had cut income, inheritance, and corporate tax and invested only modestly in efforts to combat tax evasion. The £15 billion cut in corporate tax should be considered in light of the £12 billion cut to social security. There was no evidence that those measures would result in improved realization of economic, social and cultural rights.

20. **Ms. Lloyd** (Just Fair) said that the United Kingdom had not undertaken a cumulative impact assessment of its reforms or assessed their impact on the enjoyment of Covenant rights. Evidence showed that more than 1.25 million people were living in absolute destitution, including more than 300,000 children. The cumulative impact of those reforms on working age people with children in the second poorest group was a 12 per cent decrease in income; in the four least poor groups there was a 2 per cent decrease.

21. **Ms. McKernan** (Human Rights Consortium of Northern Ireland) said that the Consortium represented 170 member groups working to create a human-rights based society in Northern Ireland. The Belfast (Good Friday) Agreement had included a commitment to the creation of a bill of rights for Northern Ireland; that unfulfilled promise was a crucial element of the Irish peace. Strong rights protections were necessary to build confidence within communities and ensure that abuses of the past would not be repeated. A bill of rights would incorporate many Covenant rights, among them housing, health care, culture and employment.

22. The Committee had called on the Government of the United Kingdom to take action on that promise in 2009. The State party had later argued that there was no political consensus; the Belfast Agreement, however, which included a provision for a bill of rights, had been adopted by referendum.

23. The Human Rights Consortium of Northern Ireland called on the Committee to request that the United Kingdom fulfil its obligations and sign a bill of rights for Northern Ireland into law.

24. **Ms. Kaufman** (Minority Rights Group International) said that the Chagos Islands had been inhabited by an indigenous people known as the Chagossians until 1965, when the United Kingdom had divided the Chagos Archipelago, created the British Indian Ocean Territory, and leased the island of Diego Garcia to the United States as a military base. The Chagossians had been driven from their ancestral lands and had not yet been permitted to return. The United Kingdom had argued that Covenant rights were unenforceable in the Chagos Islands because it had not ratified the Covenant with respect to that territory.

25. Citing the Human Rights Committee's general comment No. 31, she said that a State party must ensure the rights enshrined in the International Covenant on Civil and Political Rights to any person under the effective control of that State party, even if not situated in

the territory of the State party. The same analysis supported application of the International Covenant on Economic, Social and Cultural Rights.

26. Noting that the continued exile of the Chagossian people was a violation of their right to an adequate standard of living under article 11 of the Covenant, she emphasized that the right to housing was linked to the enjoyment of many other human rights.

27. Minority Rights Group International also observed that the continued exile of the Chagos Islanders constituted a violation of article 1 of the Covenant. It called on the Government of the United Kingdom to repeal the two 2004 Orders in Council that had denied the Chagossians the right to enter or live on the islands. It also asked the Government to facilitate and support the Chagossians' right to return, to pay them adequate compensation for the violation of their rights over the past 40 years, and to seek their free, prior and informed consent with regard to the return and compensation process.

28. **Ms. McKernan** (The Global Initiative for Economic, Social and Cultural Rights) said that the Department for International Development of the United Kingdom funded for-profit, ostensibly low-cost, private or informal chain schools in a number of developing countries, with adverse impacts on the right to education. The growth of private actors in education systems had increased discrimination against poorer children, and cost many families more than they could afford, while at the same time undermining the public education system. Often such private schools were not formally registered or regulated, and resisted the imposition of quality standards.

29. Several of the United Nations treaty monitoring bodies and the Special Rapporteur on the right to education had expressed concern about the impact on children, especially girls. The Global Initiative took the view that the United Kingdom was obliged under the terms of the Covenant to respect, protect and fulfil the right to education within the context of its international cooperation: the current policy of funding for-profit education providers abroad was undermining the right to education for children in the countries concerned.

30. **Ms. Muñoz Maraver** (Women's International League for Peace and Freedom) said that the export of arms could give rise to extraterritorial responsibility for human rights violations, as was recognized by the Arms Trade Treaty, to which the United Kingdom was a party. A case in point was the explosive weapons being used in populated areas by the Saudi Arabian-led coalition conducting a military intervention in Yemen. Those weapons were killing and injuring civilians and causing destruction to civilian infrastructure and were having a direct impact on the rights to adequate housing, health and education.

31. The United Kingdom had contributed to those human rights violations by licensing more than £2.8 billion worth of arms exports to Saudi Arabia. Her organization's report included recommendations for the United Kingdom that were aimed at ensuring due diligence to prevent violations of economic and social rights when exporting weapons.

32. **Ms. Selleger** (International Baby Food Action Network) said that the right of mothers to breastfeed their children in public places should be better publicized, as mothers continued to be asked to stop breastfeeding and had even been refused service in some restaurants and other locations. Recent surveys had found that the United Kingdom had the worst breastfeeding rate in the world, even though the majority of mothers said they had wanted to continue breastfeeding for a longer period of time.

33. Existing services to support breastfeeding mothers were now being reduced or cancelled due to government austerity programmes. Her organization would like to see data gathered regularly so that progress could be tracked and obstacles understood. The Government had failed to take many of the actions set out in the Global Strategy for Infant and Young Child Feeding, which the United Kingdom had endorsed. While Northern Ireland, Scotland and Wales planned to achieve 100 per cent coverage under the baby-

friendly hospital initiative, England had no time-bound commitment and no infant and young child feeding committee or coordinator.

34. **Ms. Holmlund** (Amnesty International) said that her organization was greatly concerned by government proposals to replace the Human Rights Act with a British bill of rights. The reform project was dangerous and unnecessary, and it risked creating a general downgrading of rights protections in the United Kingdom.

35. The law governing abortion in Northern Ireland was one of the most restrictive in Europe, and it also carried the harshest criminal penalty in Europe. The risk of severe criminal sanctions continued to exert a chilling effect on women and health-care providers alike. Lastly, the substantial cuts to the civil legal aid system had had a detrimental impact on access to justice and effective remedies for violations of a range of rights, and the cuts were having a disproportionate effect on disadvantaged and vulnerable groups.

36. **Mr. Schrijver** said that he would appreciate clarification regarding the commitment undertaken by the Scottish Government to make economic, social and cultural rights a reality. He also wished to know about the impact of budget cuts in the United Kingdom on access to education. He asked to what extent the draft British bill of rights really jeopardized economic, social and cultural rights.

37. **Mr. Abdel-Moneim** said that it would be useful when drafting the Committee's concluding observations to have in writing the information just provided by NGOs and national human rights institutions.

38. **Mr. Kedzia** said that he wished to know more about the ongoing preparatory work on the draft British bill of rights. He asked what specific concerns the draft bill raised.

39. **Mr. Kerdoun** asked whether the privatized education model funded by the United Kingdom Government in developing countries was total or partial. While he was aware of a tendency in some developing countries to privatize education at the tertiary level, it was unusual for primary or secondary level education to be privatized.

40. **Ms. Bras Gomes** asked whether she was correct in thinking that the undermining of economic, social and cultural rights through the social security reform in the United Kingdom was the only major change that had occurred since the Committee's previous dialogue with the State party.

41. **Mr. Quiroz** (Scottish Human Rights Commission) said that, in the Scottish National Action Plan for Human Rights, the Scottish Government had made an explicit commitment to explore the value of incorporating economic, social and cultural rights into domestic law. A number of events had been held for that purpose, and the First Minister had made a commitment to look into the implementation of the Covenant in Scotland. A working group had been established for that purpose, and a duty had been placed on the Scottish Parliament regarding socioeconomic inequalities. It would be very useful for the Committee to hold the State party to account for those commitments.

42. **Ms. Russell** (Northern Ireland Human Rights Commission) said that a package of measures had been drawn up to mitigate the adverse effects of social security reform in Northern Ireland. While those measures were welcome, her Commission was concerned about how the mitigation scheme would be assessed and what would happen when it came to an end. She therefore urged the Government to review the scheme's effectiveness and to ensure that social security benefits were sufficient to allow for an adequate standard of living.

43. **Mr. Bloom** (Equality and Human Rights Commission) said that, in addition to the risks posed by the social security reform, another major concern that had arisen since the United Kingdom's previous dialogue with the Committee was the matter of access to

justice in the light of the adoption of new legislation in 2012. His Commission was also concerned about the Government's strategy of moving people into work as the preferred way of lifting them out of poverty, despite problems such as low pay and structural barriers that hindered access to work for certain groups. Overall, the education budget had been cut by about 11 per cent in 2015. While some positive measures had been taken with respect to education, more monitoring was needed to ensure that those measures were benefiting the children they were intended to help.

44. **Ms. Holmlund** (Amnesty International) said that her organization would respond in writing to the Committee's questions.

45. **The Chair** said that further submissions in writing would be very welcome.

46. **Mr. Burton** (Just Fair) said that the large-scale cuts to the social security system were intended to be permanent and would change the way the State operated. Wages in the country were so low that many working people had to rely on State benefits. As many as 8.4 million people in the United Kingdom were food insecure. While child poverty had previously been decreasing, it was now on the rise, and it was projected that as many as 1 in 5 children in the United Kingdom would soon be living in absolute poverty.

47. **Ms. McKernan** (The Global Initiative for Economic, Social and Cultural Rights) said that the work done by her organization focused on primary education and that she had been referring to privatization at the primary level. Most countries whose education systems were undergoing privatization followed a mixed model, where private schools operated in parallel with public schools. In many such cases, the State was unaware of the situation or was unable to regulate the private schools. Liberia was an exceptional case where the entire primary education system had been privatized, with funding from the World Bank and others.

The former Yugoslav Republic of Macedonia

48. **Ms. Boskovska** (Coalition "Sexual and Health Rights of Marginalized Communities") said that her organization was concerned by violations of the right to health of persons who used drugs, sex workers and lesbian, gay, bisexual and transgender (LGBT) persons. A new drug law had introduced a stricter policy that shifted the focus away from addressing health and social problems among drug users and instead focused on law enforcement and criminal sanctions. There had been an increase in the number of children who used drugs, especially among the Roma, and legal and institutional barriers were preventing those children from accessing health-care services. Currently, all harm reduction services were being funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria, but that support would be terminated at the end of 2016.

49. The most blatant case of a violation of the rights of sex workers was the large-scale raid that had been conducted in Skopje in November 2008, when more than 30 persons had been detained and accused of being sex workers. They had been subjected to compulsory testing for HIV, hepatitis B and hepatitis C and had been convicted of transmitting infectious diseases without any proof of transmission. The Government should stop forced testing of its citizens and should ensure that all testing for sexually transmitted diseases involved informed consent, counselling and guaranteed confidentiality.

50. Transgender persons did not enjoy any legal protection against discrimination or abuse in the State party. National health-care policies should be adjusted to ensure that access to hormonal, surgical and psychological treatments for gender confirmation was provided on the same basis as all other necessary medical treatments. Relevant laws and policies should be adjusted so that transgender individuals had the legal right to identity documents that reflected their actual gender identity.

51. **Mr. Jadrovski** (Helsinki Committee for Human Rights of the Republic of Macedonia) said that refugees in the State party suffered numerous violations of their basic human rights and also faced discriminatory practices. The right to social welfare was being illegally suppressed by the unlawful retroactive application of the law on social protection. The State was not taking any action to address the discrimination faced by LGBT persons when exercising their right to social services. The State was also failing to ensure the efficient application of the law to combat domestic violence. Lastly, the inefficient health-care system and difficulties of access to health-care services had caused several deaths, most notably that of Tamara Dimovska, a 9-year-old girl who had died because of administrative obstacles related to health insurance.

52. **Ms. Bozinoska** (Health Education and Research Association) said that limited access to information on sexual and reproductive health in schools, lack of access to modern contraception and retrogressive legislative barriers to abortion were depriving women of their right to health. Few young people in schools received information about how to use condoms or oral contraception, while textbooks contained outdated and biased information that was clearly intended to generate hatred towards persons with different sexual orientations and gender identities.

53. The State party had one of the lowest rates of contraceptive use in Europe, and modern contraceptives were not covered by health insurance. A restrictive law adopted in 2013 had introduced a number of new legal barriers to abortion, such as a mandatory written request, mandatory dissuasive counselling and a mandatory waiting period. The lack of access to information and services was harmful to the life and health of women, particularly those who, due to poverty, gender inequality or family violence, were forced to seek unsafe abortion services. The State party had the highest rate of perinatal deaths in Europe, and the prevalence of sexually transmitted infections was on the rise.

54. **Ms. Bekir Halil** (Roma Women's Initiative from Shuto Orizari) said that Roma women living in the former Yugoslav Republic of Macedonia tended to enjoy poorer health and a shorter life expectancy than non-Roma women. The infant mortality rate in the Roma community was 17.4 deaths per 1,000 live births, compared to 9.3 deaths per 1,000 live births in non-Roma communities. The 2007 reform of the health-care system had left the municipality of Šuto Orizari without primary gynaecological care, forcing women to travel to other municipalities to access those services. In addition, only 5.9 per cent of pregnant Roma women had received antenatal care from visiting nurses in 2015.

55. Although all women were legally entitled to receive services from the gynaecologist of their choice free of charge, many health-care providers charged illegal fees, which disproportionately affected Roma women, as the poverty rate among the Roma community was almost three times higher than the national average. Regrettably, the measures taken by the national health insurance fund against those health-care providers had not put an end to that practice. Numerous cases of Roma women being rejected by reproductive health service providers had also been recorded and the legal mechanisms in place to protect against discrimination were ineffective.

56. The Committee should consider urging the State party to ensure that all Roma women had access to sexual and reproductive health services, free from stigma and discrimination; to improve the availability and accessibility of primary gynaecological health-care services, especially in communities where Roma and disadvantaged groups lived; to guarantee the right of health insurance holders to receive free check-ups from the primary health-care provider of their choice; and to guarantee pregnant Roma women access to antenatal care from visiting nurses.

57. **Ms. Gelevska** (Association for the Emancipation, Solidarity and Equality of Women) said that the poor standard of health and shorter life expectancy of the Roma community

were primarily attributable to the unfavourable socioeconomic conditions in which they lived. The monthly income of a Roma household was significantly lower than that of other households and largely consisted of social welfare benefits and money earned from informal or precarious work. There was currently no national health strategy or policy aimed at improving the standard of health of the Roma and their access to health-care services. Furthermore, no statistics on health disaggregated by ethnicity were publicly available, which was a serious obstacle to planning and carrying out activities intended to raise the Roma community's standard of health.

58. Women in the former Yugoslav Republic of Macedonia often struggled to access primary gynaecological care on account of the current shortage of qualified professionals. Around 17 per cent had fewer than four check-ups during their first pregnancy, while around 50 per cent who had given birth in the previous two years had not been visited by a nurse during their pregnancy or after having given birth. Only 19 per cent of Roma women aged between 24 and 60 had undergone a Pap test during the period 2012-2014.

59. Contrary to the recommendation made by the Special Rapporteur on the right to health on the need to strike a balance between curative and preventive health care, the Ministry of Health had allocated 46 per cent of the State health-care budget to curative health care and only 7 per cent to preventive health care.

60. Despite the adoption of a new law on preventing, combating and protecting against domestic violence, there were still significant gaps in its enforcement, as deadlines for imposing temporary protection measures were seldom respected by the competent institutions. Moreover, there was no specific legislation regulating the provision of legal aid to victims of violence. In the absence of free legal aid, victims availed themselves of the services provided by civil society organizations.

61. **Mr. De Schutter** asked how the discrepancy between the official government estimate of the number of Roma living in the former Yugoslav Republic of Macedonia and the estimate made by NGOs could be explained, and whether statistical data disaggregated by ethnicity were collected in sectors other than the health sector. He also wished to know whether the perceived ineffectiveness of the law on social protection in guaranteeing equal access to social services could be attributed to the pervasive practice of paying public officials bribes in return for access to those services and, if so, how the situation could be improved.

62. He would also appreciate additional information on the impact of the new law on abortion adopted in 2013, on the national abortion rate and on the number of women practising unsafe abortions.

63. **Ms. Bras Gomes** said that it would be helpful to learn more about the reported unlawful, retroactive application of social welfare legislation in the former Yugoslav Republic of Macedonia and about the success of the pilot project whereby certain municipalities had begun to deliver social services through special social service centres.

64. **Mr. Jadrovski** (Helsinki Committee for Human Rights of the Republic of Macedonia) said that persons known or perceived to be lesbian, gay, bisexual, transgender or intersex were frequently denied access to social service centres, which constituted direct discrimination. Around 50 per cent of the lesbian, gay, bisexual, transgender and intersex persons who had been interviewed for research purposes had complained of receiving less favourable treatment when availing themselves of social services.

65. The law of the former Yugoslav Republic of Macedonia made access to social welfare services contingent upon the fulfilment of certain conditions. Applicants had to demonstrate that they earned less than a certain amount and that they were able to work. Prior to 2015, certain forms of income, including remittances made from abroad through

money transfer companies, had not been taken into account when determining whether an applicant's income was low enough for him or her to access social welfare services. However, new regulations introduced in 2015 had removed that exemption and, in some cases, had been applied retroactively to deprive persons of services for which they had previously been eligible.

66. **Ms. Gelevska** (Association for the Emancipation, Solidarity and Equality of Women) said that the State did not generally collect statistical data disaggregated by ethnicity in any sector or on important issues such as gender-based violence, which made it difficult to devise programmes and policies to assist the different marginalized groups living in the country. Furthermore, the State had done little to correct the shortcomings of its data-collection system.

67. **Ms. Boskovska** (Coalition "Sexual and Health Rights of Marginalized Communities") said that the discrepancy between government and NGO estimates of the number of Roma living in the country could be explained by the fact that not all the Roma were officially registered and that NGOs were in a better position than the Government to determine their actual number, as they worked with them on the ground.

68. **Ms. Bozinoska** (Health Education and Research Association) said that, prior to the adoption of the new law on abortion in 2013, the national abortion rate had decreased steadily. However, no data had been collected on the impact of the new law on the national abortion rate following its adoption. There was evidence to suggest that the restrictions imposed on doctors by the new law had, in some cases, put the life and health of women in danger. The law required doctors to impose a three-day waiting period on women for non-urgent terminations, which, according to the law, should be waived if the termination was deemed to be urgent. However, as terminations considered to be urgent were subject to the scrutiny of the health authorities and doctors who wrongly performed an urgent termination were liable to a prison sentence and/or a large fine, many doctors also imposed the aforementioned waiting period on women awaiting an urgent termination, often to the detriment of their health.

Angola

69. **Ms. Masango** (International Service for Human Rights) said that human rights defenders in Angola continued to be subject to harassment and intimidation and that there were still many obstacles to registering independent NGOs. Moreover, journalists who exposed violations of economic, social and cultural rights were censored and could face prosecution. A general lack of transparency and access to information hindered the ability of civil society to denounce and seek justice for corruption and abuses, especially those that took place in the business sector.

70. In its interactive dialogue with Angola, the Committee should broach the persistent and arbitrary administration of justice; the high prevalence of reprisals against journalists and human rights defenders, especially in the context of business operations; and the use of the decree on NGOs of March 2015 to unduly restrict the independence of civil society in the country and to protract the procedures for obtaining foreign funding and legal personality under the pretext of combating terrorism.

71. The Committee should consider calling upon Angola to enshrine the United Nations Declaration on Human Rights Defenders in its laws and policies; to modify the legislation governing the registration and operation of NGOs in order to relax the undue restrictions imposed upon them; to guarantee human rights defenders and journalists due process and halt the practice of prosecuting them for their work; and to enact clear laws and policies to guarantee the proactive disclosure of information held by public and private bodies when it pertained to the protection of human rights.

72. **Mr. Zerbini Ribeiro Leão** said that it would be useful to receive additional information, in writing, on the harassment, intimidation and threats to which human rights defenders in Angola had been subjected.

73. **Ms. Holt** (Centre on Human Rights in Conflict of the University of East London) said that the Committee needed to address the impact of violations of the right to land on the enjoyment of the rights enshrined in the Covenant as a matter of urgency, particularly in view of the growing prevalence of threats and violence against land rights defenders.

74. In many countries, land rights and security of tenure constituted the basis for access to food, housing, livelihood and development. However, those rights were frequently concentrated in the hands of a few. Large-scale land acquisitions and land grabbing served to exacerbate that situation of inequality, adversely affecting small-scale rural producers and indigenous peoples and others whose livelihoods depended on land and natural resources. Women, who tended to enjoy less access to, control over and use of land owing to factors related to social structure and power differentials, were disproportionately affected by that situation. Displacement or impeded access to land could have a devastating cultural impact on populations whose way of life was inextricably linked to the territories that they inhabited. In addition, inequality in access to and control over land had been a driver of tensions across the globe.

75. While the United Nations and its specialized agencies attempted to establish land rights as human rights, human rights organizations had reported a growing trend of threats, violence and assassinations of land rights defenders. The adoption of a resolution entitled "Protecting human rights defenders addressing economic, social and cultural rights" by the Human Rights Council in March 2016 (A/HRC/31/L.28) was a welcome development in that regard.

76. The Committee had frequently referred to the need to respect land rights, and had consistently demonstrated that access to and security of land tenure were important aspects of economic, social and cultural life; it had also provided guidance on regularizing land tenure, promoting access to land and protecting individuals and communities, including minority and indigenous groups, against expropriation, displacement or eviction, without excluding alternatives to formal land titling. It was for that reason that the Committee would be well placed to make a strong statement, in the form of a general comment, clarifying the normative foundations and content of the right to land, reaffirming its linkages with other rights, setting out States' core obligations in respect of that right and providing guidance on realizing it at the national level. Such a general comment would provide both States and those holding them to account with much needed clarity in that area.

77. **Mr. Houlmann** (FIAN International) said that, over the years, his organization had provided a considerable amount of evidence of the challenges facing peasants, small-scale farmers, pastoralists, women, indigenous peoples and agricultural workers in accessing and controlling their land and natural resources, and of the impact of those challenges on their economic, social and cultural rights.

78. The participation of those most affected by forced eviction, displacement, landlessness and other violations of economic, social and cultural rights related to land had been essential to the adoption of recent standards, such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. The groups concerned had also been a driving force for the establishment by the Human Rights Council of the Open-ended intergovernmental working group to draft a United Nations declaration on the rights of peasants.

79. His organization was deeply concerned at the systematic violence and discrimination suffered by rural dwellers as they sought to realize their right to an adequate standard of living. Land rights alone were not sufficient to tackle the numerous and complex violations

stemming from land deprivation. It was time for the Committee to establish the right to land as a human right implicit in article 11 of the Covenant through the adoption of a general comment setting out the content of that right, the obligations of States in respect of it and the accountability mechanisms that States needed to recognize and comply with. In developing such a general comment, the Committee should take into account the work of the Committee on World Food Security and the discussions taking place within the Open-ended intergovernmental working group; it should also seek input from those whose right to land, food and other related economic, social and cultural rights had been violated.

The discussion covered in the summary record ended at 11.50 a.m.

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Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record of the 32nd meeting
Held at the Palais Wilson, Geneva, on Monday, 13 June 2016, at 3 p.m.

Chair: Mr. Sadi

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Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second to fourth periodic reports of the former Yugoslav Republic of Macedonia

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined second to fourth periodic reports of the former Yugoslav Republic of Macedonia (E/C.12/MKD/2-4; E/C.12/MKD/Q/2-4 and Add.1)

1. *At the invitation of the Chair, the delegation of the former Yugoslav Republic of Macedonia took places at the Committee table.*

2. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that the Government was making a great effort to align domestic legislation with international human rights instruments and had ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2011; the ratification of the Optional Protocol to the Covenant was expected shortly. The Law on Equal Opportunities for Women and Men had been adopted in 2012 and dealt extensively with gender-based discrimination. There was a comprehensive legal framework to prevent discrimination in all spheres, and the Commission for Protection against Discrimination had been established. The Law on Culture guaranteed the exercise of cultural rights under equal conditions for all, and the Ministry of Culture promoted minority cultures through various activities.

3. Since 2007, the Government had been taking measures regarding employment, including programmes targeting specific groups, such as young people and the long-term unemployed. The programmes provided direct support for the establishment or formalization of a business, as well as incentives for job creation. The Law on Employment and Insurance in Case of Unemployment had been amended to distinguish between active and passive job seekers in order to better target assistance. The Law on the Minimum Wage had been adopted in 2012 and covered all workers, including those in the private sector. It had been drafted in consultation with social partners on the basis of a comparative analysis of the relevant provisions in several European countries. The working week could not exceed 40 hours, and employers were required to ensure the health and safety of their staff.

4. The Law on Social Protection had been adopted in 2009 with a view to improving and standardizing access and procedures, fostering social inclusion and increasing decentralization. The calculation of cash benefits had been modified and amounts were recalculated annually to take account of inflation. Under a subsequent law, new types of cash benefits had been introduced for vulnerable population groups, including persons with disabilities and students in higher education. The Government had adopted the National Strategy for the reduction of poverty and social exclusion 2010-2020, which had already yielded positive results in the areas of employment, social protection coverage, education and access to information technologies.

5. The Law on the Prevention of and Protection against Domestic Violence had been adopted pursuant to the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence and provided for inter-agency coordination, protection measures and victim support.

6. The Government had consulted with civil society in the preparation of the report.

7. **Mr. De Schutter** (Country Rapporteur) said that he was pleased to note the gender balance in the delegation. He asked why, despite the constitutional provisions on the applicability of international instruments, there were no examples of cases where the domestic courts had invoked the Covenant. He also asked whether the fact that access to

legal aid was contingent on not exceeding a maximum monthly income might not unduly restrict access to justice.

8. Pointing out the rather large discrepancy between the figures provided by the State party on the size of the Roma population and those from other sources, he asked what the reason was for the difference, and specifically whether it was a matter of data collection, self-identification or lack of legal status. He also asked what tangible measures were being taken to address the high rate of poverty among the Roma, their social exclusion and their lack of access to employment.

9. He requested updated information on the Ombudsman and asked how the Government intended to improve that Office's ability to fulfil its mandate in accordance with the Paris Principles. He wished to know what steps were being taken to reduce corruption and to inform the public of the unacceptability of bribes and the avenues available for reporting cases of bribery. Noting that income taxes were low but value added tax (VAT) was quite high, he asked how the State budget had been spent in all areas related to Covenant rights throughout the reporting period. Lastly, he asked whether the State party intended to amend the Law on the Prevention of and Protection against Discrimination in order to include segregation as a prohibited form of discrimination and to rescind the provision that, in essence, legitimized discrimination against same-sex couples.

10. **Ms. Bras Gomes**, pointing out that the temporary border closure appeared to have become a long-term measure, asked what the State party's position was regarding refugees and what it was doing to improve living conditions in the transit centres. She also asked whether the State party intended to revise its policy on family reunification, which was not in line with international standards. She requested further information about the restrictions on the enjoyment of economic, social and cultural rights by asylum seekers. Referring to paragraph 17 of the replies to the list of issues, she wished to know to what extent the new equal opportunities law had truly enhanced women's enjoyment of their rights under the Covenant.

11. **Mr. Uprimny** said that, while there was nothing wrong with decentralization per se, the Committee was concerned at the wide disparities among municipalities that meant that some were not capable of discharging their new responsibilities. He asked how the State party was reinforcing the capacity and financial resources of municipalities, how it was tackling the unequal enjoyment of rights in different parts of the country and whether there was a central monitoring mechanism to ensure that rights were upheld at the local level.

12. **The Chair** asked what impact the influx of refugees had had on the State party's ability to meet its obligations under the Covenant, what laws governed social protection for refugees and to what extent that protection differed from the protection afforded to citizens.

13. **Mr. Martynov**, noting that there were more statistics in the State party's periodic report than there had been in its initial report, called on the Government of the State party to continue improving its efforts to collect and publish disaggregated data. In view of the extremely high unemployment rates in the State party, he asked what employment measures specifically targeted Roma, other minorities, women and persons with disabilities, whose rates of participation in the State party's job-creation programmes were very low. Statistical data on the employment situation of those population groups would be especially welcome. He would also like to see information on the growth or contraction of the State party's informal sector in the years since 2005, on any measures taken by the Government to regularize the situation of persons working in that sector and on the time frame for and impact of the Action Plan for the Reduction of the Grey Economy. Did the Government have any plans to allow unemployed persons who were not actively seeking work or were unwilling to accept certain jobs to collect unemployment benefits?

14. He commended the State party for its adoption of the Law on the Minimum Wage in 2012 but wondered whether it was going to be possible to bring wages in all sectors up to the national minimum before the planned alignment period elapsed in 2018. He also asked whether the minimum wage was indexed to the cost of living, if it applied to workers in the informal sector and whether it was high enough to ensure a decent standard of living. In addition, he wished to know if the Government had any plans to narrow the scope of the State party's far-reaching restrictions on the right to strike.

15. In its next periodic report, the State party should include a comprehensive account of the impact on the enjoyment of the rights recognized in article 9 of the Covenant of ongoing reforms to its social security system. In that connection, he asked what mechanisms the Government relied on to ensure that national standards were met throughout the country, given that the system was decentralized. He would like to know how the lowest current old-age pension related to the cost of living and whether the problems that had prevented pensions being paid in a timely fashion had been solved. Information should be given on the percentage of the unemployed who received unemployment benefits, how those benefits compared to the cost of living and why the amount paid out in welfare assistance had fallen between 2009 and 2012.

16. **Ms. Bras Gomes** said that she would like to know why the State party believed that it needed to introduce a privately managed pension system. Had it studied pension models such as the one developed by the World Bank?

17. **Mr. De Schutter** said that he would welcome more information on any steps taken by the State party to promote women's participation in the workforce, which was comparatively low, and to narrow the gap between their salaries and those of men. He also wondered whether the State party's labour law had fully incorporated the concept of equal pay for work of equal value. He would be interested to hear of any efforts made by the State party to ensure that refugees were granted access to employment opportunities on an equal footing with others. He would also welcome clarification of a provision of the Law on the Minimum Wage that seemed to suggest that payment of the minimum wage was conditional on satisfactory job performance. In addition, he asked the delegation to comment on the accuracy of reports that, in the wake of cuts to welfare payments that had been applied retroactively, a number of welfare recipients had found themselves in debt to the State.

18. **The Chair** asked what mechanisms were in place to ensure that workers in rural areas, particularly agricultural workers, were afforded protection under the State party's labour laws.

The meeting was suspended at 4 p.m. and resumed at 4.15 p.m.

19. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that his country had been caught unprepared by the mass influx of refugees and other migrants. It had nonetheless risen quickly to the challenge, and the refugee camps in Gevgelija and Tabanovce had been built mainly with money from the national budget. The number of refugees arriving at the State party's borders was currently falling.

20. According to official data from the most recent census, which had been taken in 2012, there were just under 54,000 Roma in the country. Any other figures were speculation. Although there had been reports that many members of Roma communities were not properly documented, considerable efforts had been made to identify such persons, of whom there had proved to be fewer than expected. The cost of DNA tests to enable children of undetermined parentage to obtain their parents' nationality was covered by the Ministry of Justice. Resolving the cases of some undocumented persons had been difficult, however, as many civil records had been transferred out of the country.

21. **Ms. Ilieva** (The former Yugoslav Republic of Macedonia) said that international treaties that had been ratified by the country were an integral part of its domestic legal framework. The country's courts could thus refer to them in their judgments. Although information on the number of cases in which the courts had drawn directly on provisions of the Covenant was not currently available, an effort would be made to provide it in the country's next periodic report. The Covenant was a topic of study in international law courses at the Academy for Judges and Public Prosecutors.

22. **Ms. Grozdanova** (The former Yugoslav Republic of Macedonia) said that, by law, persons who were unable to afford representation of their own were eligible for free legal aid, which was provided for any kind of proceedings before the courts, including administrative disputes. Local governments had launched outreach campaigns to raise awareness of the procedure for applying for free legal aid.

23. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that bribery was not widespread in his country, which had put in place a number of mechanisms to combat corruption and had acted on all the recommendations made by the Group of States against Corruption.

24. **Ms. Manevska** (The former Yugoslav Republic of Macedonia) said that the budget of the Ministry of Health had increased steadily since 2005. As a result, large-scale investments had been made in the health sector, and the equipment in all public medical facilities had been modernized.

25. **Mr. Chupi** (The former Yugoslav Republic of Macedonia) said that, in 2016, nearly 14 per cent of the national budget, up from just over 13 per cent the previous year, had been allocated to the Ministry of Education and Science. The funds earmarked for educational programmes targeting members of the Roma community had also increased. He would provide information on the growth in the budget for education since 2005 in due course.

26. **Ms. Sedrak** (The former Yugoslav Republic of Macedonia) said that allocations to the Ministry of Culture had been increasing steadily. In 2006, for example, such allocations had accounted for 0.11 per cent of the national budget, whereas in 2010 they had accounted for 0.63 per cent.

27. **Mr. Jovanovski** (The former Yugoslav Republic of Macedonia) said that the country had not had any subsidized-housing programmes or housing for vulnerable groups in 2006. A housing strategy had been adopted in 2008 and, as a result, considerable progress had been made. More recently, the State had made efforts to help members of socially disadvantaged groups buy apartments of their own. The Council of Europe Development Bank had granted a loan of €25 million to match the Government's contribution towards a project to build 1,800 subsidized housing units. Across the country, in cities including Skopje and Bitola, 678 housing units had already been reserved for underprivileged persons. The Ministry of Transport and Communications planned its housing projects based on information provided by the Ministry of Labour and Social Policy. It had targeted parentless young adults, social welfare recipients, persons with disabilities, single parents and Roma. Indeed, some of the housing units were reserved exclusively for Roma, who were granted an additional subsidy of 10 per cent. Additional housing units would soon be built in a number of cities. The proportion of the national budget allocated to housing increased from year to year. The Ministry of Transport and Communications was also responsible for the construction of essential infrastructure, including sewerage and water supply systems, to accompany the new housing units. Overall, including the associated infrastructure, approximately 36 per cent of its budget was reserved for housing programmes.

28. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that 19.9 per cent of the national budget was allocated to the Ministry of Labour and Social Policy. The

Government's taxation policy had been designed to attract outside investment, with personal income tax set at a rate of 10 per cent. It was inaccurate to say that the VAT rate was excessively high, since, although industrial products were subject to VAT at the full rate of 18 per cent, food and other basic goods were subject to VAT at a reduced rate of only 5 per cent.

29. **Ms. Grozdanova** (The former Yugoslav Republic of Macedonia) said that the Government worked assiduously to promote human rights, including the rights enshrined in the Covenant. The evaluation conducted by the Mission of the Organization for Security and Co-operation in Europe (OSCE) to Skopje in 2013 had resulted in a series of recommendations for the Commission for Protection against Discrimination on how to implement the Law on the Prevention of and Protection against Discrimination. To improve implementation, a unit for the prevention of discrimination had been established and a State counsellor for non-discrimination and human rights had been appointed. The Ministry of Labour and Social Policy had set up a working group, whose membership included representatives of various ministries, local government offices and civil society organizations, to draft amendments to the Law, and its first full meeting would take place in one week's time. The implementation of the Law would be overseen by a national coordination body. With the support of the United Nations High Commissioner for Human Rights, training programmes would be provided for professionals, including police officers, who worked with vulnerable groups. The Government was preparing a study of discriminatory practices in areas including social protection, health care, education and access to goods and services, that would lead to a series of recommendations.

30. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that several ministries, including the Ministry of Education and Science, the Ministry of Labour and Social Policy and the Ministry of Transport and Communications, shared responsibility for the implementation of the Government's strategy for the Roma and the various action plans adopted under the aegis of the Decade of Roma Inclusion, 2005-2015.

31. **Mr. Chupi** (The former Yugoslav Republic of Macedonia) said that, since 2009, Roma children had been offered free vaccinations, which had removed a major obstacle to their inclusion in the education system. The Government had prepared a handbook to provide guidance for educational professionals on how to combat discrimination against Roma. For the previous six years, health-care mediators had been deployed in Roma communities, one of their responsibilities being to raise awareness of the value of primary education with a view to increasing the rate of enrolment of Roma children in primary schools. The Ministry of Education and Science would soon deploy education mediators as well. The Government's provision of free textbooks for all children and transportation for children who lived more than 5.5 km away from school was likely to benefit Roma children in particular, and 89 per cent of them now went on to secondary education. The Government had also devised various strategies, including tutoring and mentorship programmes, to improve the provision of secondary education for Roma.

32. **Mr. Jovanovski** (The former Yugoslav Republic of Macedonia) said that, in addition to its regular construction projects, the Ministry of Transport and Communications had set aside an additional 10 million denars per year since 2010 for the construction of essential infrastructure in Roma settlements, an increase from only 4.6 million denars in 2008. In 2014, 17 Roma houses that had been destroyed by fire had been rebuilt.

33. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that the Ministry of Labour and Social Policy had coordinated the various activities planned under the aegis of the Decade of Roma Inclusion. The country led the region in improving preschool enrolment rates, in particular among Roma children. Funding from the Roma Education Fund and municipalities enabled many Roma children to attend preschool free of charge. The country had established 14 specialized information centres to assist Roma in accessing

Government services. In addition to the general free legal aid project, there was also a separate project specifically for Roma, funded by OSCE and implemented by the Ministry of Labour and Social Policy. Roma also benefited from various Government schemes aimed at improving participants' employment prospects. In the period from January to March 2016, 91 Roma had applied to participate in such schemes. Roma could also submit business plans to compete for start-up grants under schemes for the self-employed.

34. **Ms. Grozdanova** (The former Yugoslav Republic of Macedonia) said that the Law on Equal Opportunities for Women and Men adopted in 2012 had been based on a comprehensive evaluation of the 2006 law of the same name. Various measures had been adopted to support its successful implementation, including the introduction of guidelines and training courses for professionals who worked with women. In a recent Progress Report, the European Commission had drawn attention to the difficulties faced by women in rural areas. To improve the situation, the British embassy had provided funding for a pilot project aimed at increasing women's participation in the labour market; it would initially be rolled out in Kicevo and Bitola, the two municipalities selected by the Ministry of Labour and Social Policy for the trial period. The Government regularly funded other projects to promote women's economic empowerment, including a project to subsidize their employment. Not many entrepreneurs and managers were women, but some of the largest companies had female senior managers and board members. The Ministry of Labour and Social Policy was working with a team of experts from Romania, Portugal and the United Kingdom of Great Britain and Northern Ireland on a project to improve women's representation at the managerial level. The Government planned to update the texts of the Law on Family and the Law on Social Protection in order to improve the provision of services for women.

35. **Mr. Zerbini Ribeiro Leão** said that a large number of births in the State party were not registered, meaning that the children concerned did not have birth certificates; he wondered whether the State party had taken steps to address the issue. It would also be interesting to learn how the State party planned to implement the legislation on domestic violence and whether disaggregated and up-to-date data was available on the outcome of the related National Strategy. Given the low number of victims of human trafficking who had been identified, was the Government developing policies in that field? Disaggregated data would also be welcome on the results of the measures taken to counter the sexual abuse of children and paedophilia, including the 2008 action plan. He would welcome further information on the Multi-Disciplinary Protocol for Treatment of Children on the Street and, specifically, the results achieved and policies put in place to deal with the phenomenon of street children.

36. **Mr. Dasgupta** said that the Committee would be interested to learn more about the outcome of the National Strategy for the reduction of poverty and social exclusion. According to the report submitted by the State party to the United Nations Development Programme on the progress made in achieving the Millennium Development Goals, the goal of reducing the proportion of the population living below the poverty line to 9.5 per cent by 2015 had not been achieved. Data from the World Bank had shown that proportion to be 22.1 per cent in 2014, which was a disappointing result. How did the Government plan to overcome that problem? It would also be interesting to know whether any research had been conducted to determine if people living below the poverty line were able to meet their basic nutritional requirements and whether those living above the poverty line had access to a healthy, balanced diet.

37. He would appreciate information on the legal framework governing the forced evictions of Roma and, specifically, whether it was in line with the guidelines contained in the Committee's general comment No. 7 on the right to adequate housing. What had been done to ensure that those evicted did not live in segregated settlements without adequate

access to amenities and services and how had Roma living in informal settlements been provided with security of tenure? It would be useful to know whether statistics and further information were available on the number of Roma who had applied to legalize their properties under the Law on the Legalization of Illegally Constructed Buildings and whether they had been given support when submitting their applications.

38. The State party had made significant advances in reducing the infant and maternal mortality rates but there were still shortfalls in the provision of basic medical services, including the very low numbers of health-care practitioners available to persons covered by health insurance. Given that the budget allocated to health had increased significantly over the previous 10 years, what measures were planned to remedy those deficiencies? Reports indicated that gynaecologists often requested payment from pregnant women for consultations which should have been free of charge. The Committee would like to know if the reports had been investigated and whether any prosecutions had been brought.

39. **Mr. Uprimny** said that the lack of clear data on the extent of drug use in the State party made it difficult to assess whether the health services provided to drug users were adequate. It appeared that treatment programmes were available only in the main cities and were not adapted to the needs of especially vulnerable communities. Did the State plan to collect and publish disaggregated data on drug use? He would also appreciate more information on the strategies in place to support children who were involved in drug use and the measures taken to guarantee high-quality treatment for all drug users. Given that the funding provided by the Global Fund to Fight AIDS, Tuberculosis and Malaria for the country's harm reduction programmes was expected to end in 2016, what was the Government doing to ensure their sustainable continuation? Under a recent legislative reform, the possession and consumption of drugs had been made criminal offences, where only possession for the purpose of sale had been a crime in the past. The Committee was concerned about the implications of a policy that imprisoned persons for drug use rather than providing them with treatment.

40. **Mr. De Schutter** said that it appeared from the information received by the Committee that education on sexual and reproductive health in the State party was not in line with the Committee's general comment No. 22 on that subject. He would like to know what had been done to comply with the recommendation in the Committee's previous concluding observations (E/C.12/MKD/CO/1) that the State party intensify its efforts to educate children and adolescents on sexual and reproductive health and how it intended to bring its practice on access to contraception into line with general comment No. 22, given that contraceptive drugs were not included in the public health-care system list of essential medicines. Furthermore, a woman seeking an abortion was reportedly required to submit a written statement, undergo counselling and then observe a waiting period before the surgery could be performed. Such obstacles to the right to legal abortion did not comply with general comment No. 22 and could lead to unsafe abortions being performed. The Committee would therefore like to know what measures were being envisaged by the Government to improve access to abortion, whether statistics and data were available on the numbers of abortions performed and if penalties were applied to health-care practitioners who refused to perform abortions.

41. The Committee had been informed that certain medical services not available under the public system were increasingly being offered by private health-care providers under licensing contracts. More detailed information would be welcome on the regulatory framework for private health-care providers, in particular how they were monitored and how the State party ensured they were not charging fees for those services which should be free of charge.

42. **The Chair** said that he would like to know more about the awareness-raising campaigns on the dangers associated with smoking, obesity and cancer and how effective they had been.

43. **Mr. Kerdoun** said that there were still a number of areas of concern in the field of education, namely the high rate of illiteracy, the low rates of secondary school attendance by girls and the lack of education facilities and teachers. The Committee would welcome information on any improvements that had been made, in particular through the reform of the education system and the national Integrated Education Strategy. Which positive and negative factors had affected the achievement of the objectives of inclusion and equality, what was the State party doing to cater for the needs of ethnic minorities, children with disabilities and other vulnerable children and were children with special needs assisted by specialized staff in mainstream schools?

44. He would like to know what the outcome had been of the strategy to promote the integration of Roma children in the education system. He would also like an explanation of the high dropout rates at the primary level, especially among Roma children and children with disabilities, and how the problem was being addressed. In addition, the Ombudsman had noted that a significant number of Roma children had been diagnosed as suffering from psychological disorders and were therefore educated separately, in special classes. The Committee would like to know what steps were envisaged to put an end to that practice, which resulted in segregation in the education system.

45. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that it was important to correct the figures mentioned by the Committee on the subject of unemployment, as they were not accurate. The unemployment rate had been reduced from 39.1 per cent in 2006 to 24.5 per cent in 2016, a decrease of over 10 percentage points in 10 years, including a notable fall of 2.8 percentage points between the first quarter of 2015 and the first quarter of 2016. This had been achieved through a range of measures targeting particularly vulnerable groups, such as young people. Under a programme entitled Macedonia Employs, jobs had been found for 12,000 people in a period of just one year. The programme encouraged employers to recruit new staff, giving them subsidies for employing individuals from vulnerable groups and exempting them from the payment of income tax and insurance contributions, which were covered by the State. It was planned to allocate €11 million to various employment measures during the current year. The Decade of Roma Inclusion, 2005-2015, and the Macedonia Employs programme had included a number of targeted actions, developed in consultation with civil society and the Roma community, as a result of which many Roma had found jobs.

46. The Government continued to strive to combat the informal economy which, it was estimated, employed around 22.5 per cent of the economically active population. The Government was designing policies and drafting legislation to reduce that figure in order to increase tax revenue to the State and reduce unemployment.

The meeting rose at 6 p.m.

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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record of the 33rd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 14 June 2016, at 10 a.m.

Chair: Mr. Sadi

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Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

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Please recycle

The meeting was called to order at 10 a.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined second to fourth periodic reports of the former Yugoslav Republic of Macedonia (continued) (E/C.12/MKD/2-4; E/C.12/MKD/Q/2-4 and Add.1)

1. *At the invitation of the Chair, the delegation of the former Yugoslav Republic of Macedonia took places at the Committee table.*

2. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia), replying to a question raised at the previous meeting, said that the Secretary-General of the Government was very careful to follow up on the Ombudsman's recommendations. A bill had been drafted that, once adopted, would make the Office of the Ombudsman eligible for "A" status accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

3. According to a 2015 survey, 22.1 per cent of the country's population lived in poverty. The most common reasons that people fell into poverty were unemployment or early school leaving. Efforts were being made to improve education levels among the poor, especially in families that suffered from intergenerational poverty. A number of active employment measures were being taken to combat poverty.

4. **Ms. Stanchevska** (The former Yugoslav Republic of Macedonia) said that there were two transit centres for refugees and migrants, with a total capacity of 2,000 beds. At those centres, migrants were registered and received medical assistance, food, clothing and personal hygiene products as they prepared to continue their journey. Those who wished to could state their desire to file for asylum in the former Yugoslav Republic of Macedonia. Interpretation services into Farsi and Arabic were provided by the Macedonian Young Lawyers' Association.

5. Following the closure of the Balkan route, 87 persons now remained at the Gevgelija centre and 32 at the Tabanovce centre. Their freedom of movement was not restricted. The relevant institutions profiled migrants at border crossings with a view to improving capacity to deal with the large influx of migrants. Migrants were interviewed to determine whether they might be victims of human trafficking. All potential cases of human trafficking were referred to a special department established within the Ministry of the Interior to combat organized crime.

6. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that persons who had filed for asylum and whose case had not been decided within one year had the right to register with the employment agency. Persons who were granted asylum had automatic access to the labour market. There were currently 522 beneficiaries from subsidiary protection, most of whom were Roma from Kosovo, and they had the right to work and to access the health-care and education systems.

7. **Ms. Grozdanova** (The former Yugoslav Republic of Macedonia) said that, according to national law, there should be no difference between the wages paid to men and those paid to women who occupied the same position. There was, however, an overall wage gap, due to the fact that women tended to hold lower-ranking positions than men. The Ministry of Labour and Social Policy was working to increase the capacity of labour inspectorates to inspect private companies in both rural and urban areas, as it was aware of possible wage discrepancies between men and women in the private sector.

8. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that a programme was in place to ensure equitable regional development in the country. In 2016, the Government had provided €5 million in funding for 400 projects proposed by municipalities. Development projects were also carried out through a cross-border cooperation programme that was largely funded by the European Union. Shuto Orizari, the only municipality with a Roma majority, had received assistance from the central Government to resolve its water supply and sewage problems.

9. **Ms. Jovanovikj** (The former Yugoslav Republic of Macedonia) said that, according to data from 2006, there were about 6,100 unemployed Roma men and about 2,200 unemployed Roma women in the country. While data disaggregated by gender was available on the various economic activities that made up the informal sector, there was no data to indicate its total size. The Action Plan for Reduction of the Grey Economy included measures to be taken by labour inspectorates to encourage the formal registration of informal businesses. A European Commission Twinning project was being implemented to deal with the matter of unregistered workers. A report on the situation would be issued as part of the project, and measures would be taken to amend the relevant laws if necessary.

10. It was estimated that 22.5 per cent of employed persons worked in the informal economy. A law had recently been adopted prohibiting informal work, with a view to combating tax evasion and price dumping. Since 2012, active and passive jobseekers had been registered separately on the basis of a statement from the jobseeker. Those who wished to change their status from active to passive or vice versa could do so by amending their statement.

11. In 2012, when the Law on the Minimum Wage had been introduced, it had been decided, based on input from employers, that it was necessary to set a lower minimum wage for persons working in the sectors of textile production, garment manufacture, leather processing and leather item production. That minimum would gradually be raised until it was on a par with the minimum wage established in the Law, and that should be achieved by 2018. The minimum wage had been established on the basis of tripartite negotiations between the Government, trade unions and employers' associations.

12. Pursuant to national law, an employer could dismiss a striking worker only in response to a strike that was already under way. That and other such provisions would be amended as necessary after a pending analysis of national labour laws by the International Labour Organization had been conducted. All workers had the right to a pension and compensation in the case of injury on the job, and their family members had the right to survivor benefits. The public health system covered employees, self-employed persons, foreigners working in the country and their family members. Health insurance was provided to unemployed persons, persons with an income below the minimum wage and persons over 65 years of age with no income.

13. Child benefits were available to all citizens and foreign residents with children. Provision was made for the transfer of pensions from other countries with which bilateral agreements on social insurance had been reached. To date, there were 21 such agreements, and 2 more were in the process of ratification. The amount paid in pension benefits was adjusted annually to bring it into line with the cost of living. Pensions were paid out regularly, at the same time, for all 308,000 pensioners. Participation in the pension insurance scheme had been obligatory for all employed persons since 1 January 2003.

14. A number of active employment measures targeted women in particular and, by law, at least half of the beneficiaries of any such measures must be women. New day-care centres and flexible working hours were needed to encourage women to join the labour market. Advisory services were available to women in rural areas to teach them to be more employable and competitive in the labour market.

15. Recognized refugees enjoyed the same labour rights as other foreign nationals with permanent residency, except in certain situations where there were restrictive measures in place against persons from a particular country of origin.

16. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that, following legislative amendments, persons who received money transfers were no longer denied access to benefits in cash. The State labour inspectorate conducted inspections of all legal entities in both rural and urban areas to ensure that employers respected workplace health and safety regulations.

17. The Ministry of Labour and Social Policy was taking measures to get children off the streets and into school. There were four centres for street children in the country. The number of new registered cases of children begging in the streets had stood at 92 in 2014, 126 in 2015, and thus far only 18 in 2016. Reprimands had been issued to negligent parents in 41 cases in 2014, 72 cases in 2015, and 19 cases thus far in 2016. In a few cases, parents who failed to show due care despite the reprimand had been deprived of their parental rights, and in some cases criminal charges had been filed.

18. **Ms. Grozdanova** (The former Yugoslav Republic of Macedonia) said that efforts to establish a legal framework for preventing and protecting the victims of domestic and gender-based violence were ongoing. A number of shelters where victims of violence could receive assistance and support had been opened. Training on how to deal with cases of domestic and gender-based violence was dispensed to judges and prosecutors on a continuing basis.

19. The fact that the country had signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in 2011 and adopted general recommendation No. 19 on violence against women by the Committee on the Elimination of Discrimination against Women had paved the way for the enactment of a law to combat domestic violence. The law drew upon a number of the provisions of the Istanbul Convention and specifically addressed stalking and issues relating to parental rights. However, its overriding purpose was to protect victims of domestic violence while ensuring respect for their right to physical integrity and the principles of gender equality. Following its enactment, a number of government ministries had signed cooperation protocols defining their tasks and responsibilities in respect of protecting victims of domestic violence. Further protocols aimed at coordinating the activities conducted by State institutions on the ground had also been adopted. A multidisciplinary team had overall responsibility for overseeing the action taken under the law, while social work centres provided care and support to victims of domestic violence and perpetrators could receive psychological support at special counselling centres.

20. Statistical data collected by the Ministry of the Interior showed that, in 2015, around 2,100 complaints of domestic violence had been filed with the police and criminal charges had been brought in just over 1,000 cases. In the same year, social work centres had taken in around 1,100 female victims of domestic violence. Nearly 80 per cent of all victims of domestic violence in the country were women.

21. The measures taken by the Government to combat human trafficking included the establishment of a national commission and the introduction of a mechanism for the referral of victims of trafficking to the appropriate institutions. The legal provisions dealing with the appointment of a guardian for child victims of trafficking had been amended and day-care centres had been opened for those children and other victims of trafficking.

22. Social work centres employed social workers trained in identifying and assisting victims of trafficking. The Ministry of Labour and Social Policy had prepared a list of indicators to simplify that task and had also dispensed training to police officers, health-care professionals and foster families on how to care for such victims and facilitate their

social reintegration. A special programme for the rehabilitation and reintegration of victims of trafficking had also been devised.

23. **Ms. Stanchevska** (The former Yugoslav Republic of Macedonia) said that, overall, there had been a decline in the number of sexual crimes, including cases of child sex abuse, recorded by the police and that the prosecution rate for rapes of vulnerable persons had increased. In the first quarter of 2016, six cases of rape, four cases of child sex abuse, two cases involving child pornography and one case involving the rape of a vulnerable person had been recorded.

24. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that the Ministry of the Interior was responsible for registering and prosecuting sexual offenders while the Ministry of Labour and Social Policy ensured that victims of sexual abuse received the necessary care and support. In 2015, social work centres had assisted about 50 victims of child sex abuse. A protocol intended to coordinate efforts to address the situation of street children had been signed by several government ministries, social work centres and other institutions working with the children.

25. **Ms. Manevska** (The former Yugoslav Republic of Macedonia) said that research conducted by the Ministry of Health in cooperation with the United Nations Children's Fund in 2011 showed that malnourishment was much more prevalent among Roma children and children living in rural areas than others, owing to their less favourable socioeconomic situation.

26. **Mr. Jovanovski** (The former Yugoslav Republic of Macedonia) said that the Government was not aware of any instances of Roma or other persons being evicted from informal settlements, and a significant number of applications for the legalization of such settlements had been received. There had, however, been instances of individual Roma being removed from public spaces for antisocial behaviour and from private property for trespassing. The Government did not collect statistical data disaggregated by ethnicity on the applications received and only a small number had so far been approved, on account of the requirement that architectural drawings of the informal settlement or property in question be submitted in order for it to be legalized, which was prohibitively expensive for the majority of applicants. However, the national institute responsible for land surveys had agreed to produce the necessary architectural drawings free of charge for all underprivileged families wishing to legalize their homes and the number of applications approved was expected to increase as a result.

27. **Ms. Manevska** (The former Yugoslav Republic of Macedonia) said that the Government had amended the law on health care to allow the co-financing, with the private sector, of specialist training for doctors currently working in private health-care institutions, in an effort to overcome the serious shortage of general medical practitioners, paediatricians and gynaecologists in the country. To date, around 90 doctors had been recruited for specialist training through public competitions and deployed to public hospitals and clinics, where they would take up permanent positions upon successful completion of the training. The recruitment of qualified gynaecologists was a major priority. Once the doctors recruited had completed their specialist training, they would be deployed to rural areas where there had never been a gynaecologist and to the municipality of Shuto Orizari, where the majority of the population were Roma.

28. Expectant mothers received, on average, 10 antenatal check-ups from a gynaecologist. The Ministry of Health had launched a special programme for treating drug and alcohol addictions and related illnesses, under which drug users were offered substitution therapy in dedicated addiction treatment centres. Currently, 1,400 patients were undergoing methadone substitution therapy. There were also plans to introduce an electronic system to monitor their progress.

29. The Government planned to continue and step up the activities currently funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria when they came to an end and would make treating HIV and AIDS one of its top priorities, adopting a special budget for activities in that area.

30. The arrival of thousands of refugees in the country had prompted the Ministry of Health, in cooperation with the United Nations Population Fund, to launch a project aimed at increasing the availability and use of sexual and reproductive health services, including contraception, in the most affected regions. There were plans to extend the project to the whole country. Condoms and contraceptive pills were distributed at the 10 sexual and reproductive health centres. The Government currently covered the cost of only one type of oral contraceptive but did not exclude the possibility of including others in the list in the future.

31. There had been a decline in the number of abortions performed following the entry into force of the new law on abortion. The commission of first instance was required to process requests to terminate a pregnancy within three days and a one-day deadline was set for the commission of second instance, to which the woman could appeal if her initial request had been denied. The vast majority of requests referred to the commission of second instance in 2015 and 2016 had been approved. No cases of illegal abortion had been recorded.

32. It was common practice for private health-care institutions to conclude contracts with the national health insurance fund for the provision of certain health-care services. Under such contracts, patients receiving secondary or specialized treatment at such institutions were required to bear part of the cost of treatment themselves. The administrators of the national health insurance fund were responsible for monitoring the compliance of private health-care institutions with the contracts concluded and conducted regular inspections to that end. Institutions found to be in breach of their contractual obligations were liable to a fine and, in serious cases, their contract with the national health insurance fund could be cancelled and they could be removed from the official list of health-care providers.

33. The National Public Health Programme required public health bodies to conduct a variety of preventive activities. An assessment to determine the nutritional value and quality of food and the safety of water, especially for the most vulnerable segments of society, was carried out on a yearly basis. The results of that assessment were then used to inform the measures taken by the Government to reduce the risks associated with substandard food and unsafe water. Regulations relating to the standard of food provided to children in nursery schools, primary schools and childcare institutions had been adopted in 2014 and could be consulted online.

34. In 2014, just over 60 per cent of the population drew water from urban water supply systems managed by public enterprises, which were subject to government oversight. The remainder drew water from either village wells or rural water supply systems. During the period 2002-2014, around 3 per cent of the country's water supply had been found to be unsafe. That proportion had since decreased to less than 1 per cent, signifying that the vast majority of the population now had access to safe water. Water quality was maintained by the 12 water purification stations operating in the country and data collected served to help further improve water quality. Moreover, a ministerial committee responsible for health and environment-related issues set up in 2015 oversaw the activities of working groups tasked with devising measures and policies aimed at improving the state of the environment and the country's health-care system.

35. The 10 public health centres around the country provided information, advice and counselling to young people in the area of sexual and reproductive health. In 2010, 10

clinics had been set up to provide support to persons wishing to stop smoking; the clinics had helped 494 people, 50 per cent of whom were health-care workers.

36. **Mr. Chupi** (The former Yugoslav Republic of Macedonia) said that the Life Skills curriculum included age-appropriate sex education and covered awareness of sexual abuse. The Government's education development strategies had increased the number of preschools, made secondary education compulsory, and introduced scholarships for children from Roma and other vulnerable communities. The Adult Education Centre had adopted a strategy for 2010-2015, and the higher education system had been aligned with that of the Netherlands. In addition, the European Credit Transfer and Accumulation System had been fully implemented, and careers centres had been established in universities. The introduction of quality evaluation mechanisms had improved ethics in higher education. Secondary schools and universities now used a national grading scheme, and a teacher training academy was being set up. The Vocational Education and Training Centre oversaw the Adult Education Centre in the accreditation of informal education programmes. The main driving force of the 2005-2015 education strategy, the Computer for Every Child programme, had been complemented by the introduction of electronic textbooks and video material. Work had begun on a new education development strategy for 2020, the first draft of which would be available by the end of July 2016.

37. A manual for teachers on basic professional competencies in inclusive education was being produced and, following a pilot programme, a new enrolment form for children with disabilities was being introduced in all primary and secondary schools. Under recent amendments to education legislation, primary and secondary schools had to form an inclusion team, consisting of special education teachers, psychologists and, where necessary, the child's doctor, for each child with disabilities. The Ministry of Education and Science had employed 103 new special education teachers to work with children with disabilities in schools all over the country, and intended to increase that number further. Municipalities were allocated double the usual amount of funding per child for each child with special educational needs. Every school now had a team for multi-ethnic integration, and the Ministry had set up a scholarship programme for vulnerable secondary school pupils. The Ministry of Labour and Social Policy was implementing a programme under which families who were receiving social benefits were entitled to additional funds if their children were in education. Under the Constitution and education legislation, all forms of discrimination were banned within the education system.

38. The Ministry of Education had produced a manual on non-discrimination against Roma students in the education system and had engaged two education mediators to work in 20 municipalities, where they would assist Roma families in enrolling their children in education and support Roma children in successfully progressing from one school year to the next. Tutorial support was provided for Roma children in primary schools to maximize their achievement. In 2010, the secondary school enrolment criteria had been lowered by 10 per cent to enable Roma pupils to access more attractive schools and 600 Roma children received scholarships each year. Roma children also received mentoring to support them in adapting to the school environment and tutoring towards the end of primary and secondary education to assist them in moving on to the next stage of education. Enrolment quotas were in place in higher education for Roma students, and the Roma language had been introduced as a non-compulsory subject at universities. In 2014, 79 per cent of Roma pupils had made the transition from primary to secondary education; that figure had increased by just over 4 per cent in 2015. No classes consisted solely of Roma children; however, there were schools where the majority of children enrolled were from the Roma community. That was also the case for other ethnicities, depending on the location of the school, because pupils usually attended the school closest to their home. Reports of parents refusing to enrol their children in schools attended by Roma children were incorrect; that had occurred in only one isolated case. At the request of NGOs, a specialist team had been formed to

determine whether children in special schools should continue to be enrolled there or could move to mainstream schools, in an effort to address the issue of the ethnic balance of pupils in special schools.

39. **Mr. De Schutter** asked whether, in light of the 5 per cent rise in inequality in the State party between 2002 and 2015, the Government was intending to re-examine its current tax regime. He would also be interested to know whether the Commission for Protection against Discrimination could be made more effective and what information schoolchildren were given on sexual orientation and gender identity. In respect of the labour market, the Committee would welcome information on the current situation with regard to the concept of equal pay for equal work, whether refugees and persons requiring special protection still faced obstacles in accessing employment programmes because they were unable to provide the required documentation and whether the delegation considered that the lower minimum wage currently in force in the textile and leather sectors constituted indirect discrimination against women. Lastly, was there any data to show what effect the threat of a €50,000 fine for doctors performing illegal abortions had on their willingness to perform legal emergency terminations?

40. **Mr. Zerbini Ribeiro Leão** asked whether Roma women faced discrimination in public hospitals, particularly in gynaecology services and whether any up-to-date statistics were available on domestic violence.

41. **Mr. Martynov** asked whether people working in the informal sector, which had recently been made illegal, could still access social benefits and what percentage of unemployed people received unemployment benefit.

42. **Mr. Uprimny** said that he would be interested to know whether there was a monitoring mechanism to ensure that rights were respected equally in all areas of the State party and, if they were not, whether the central Government intervened. Did the State party intend to maintain the harm reduction programmes for drug users which had been financed by the Global Fund to Fight AIDS, Tuberculosis and Malaria and, if so, would they be developed in collaboration with civil society organizations? Further information should be provided on drug policy and, specifically, whether the policy on the criminalization of drug users would be changed and the obstacles to accessing health-care services faced by drug users who were minors would be removed. Lastly, what strategies were in place to deal with inequality and its effects on the enjoyment of economic, social and cultural rights?

43. **Mr. Dasgupta** asked what progress had been made to reduce poverty in the State party, whether there was legislation to prevent doctors demanding bribes and, if so, how many prosecutions had been brought.

The meeting was suspended at 12.05 p.m. and resumed at 12.15 p.m.

44. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that great progress had been made in recent years in increasing the country's gross domestic product and the volume of foreign investment; therefore, while the tax regimes currently in place might be reviewed in the future, there were no plans to do so at present.

45. **Ms. Grozdanova** (The former Yugoslav Republic of Macedonia) said that the Ministry of Labour and Social Policy had set up a working group to study the Law on the Prevention of and Protection against Discrimination and make recommendations for its improvement. Although the Law did not contain any explicit reference to sexual orientation, the forms used to lodge complaints presented sexual orientation as one of the grounds for discrimination. The Commission for Protection against Discrimination had received 80 complaints the previous year; only one involved discrimination on the basis of sexual orientation.

46. As for statistics on the incidence of domestic violence, she said that, in 2015, about 1,000 criminal charges and 500 misdemeanour charges had been brought and more than 2,700 complaints had been filed with the police. According to information from the Ministry of Labour and Social Policy, there had been about 1,100 victims of domestic violence in 2015, of whom just over 40 had been referred to the shelters for victims of domestic violence.

47. Homophobia was indeed a problem in the former Yugoslav Republic of Macedonia, as in many other countries. The Ministry and the Commission were working to enhance the skills and capacities of professionals at the central and local levels, with a view to promoting respect for the rights of all persons suffering from discrimination, including those of the lesbian, gay, bisexual and transgender community. Training had also been provided to police officers, judges and social workers in respecting the human rights of all the diverse groups living in that country.

48. Although the Commission for Protection against Discrimination had prepared a protocol for the protection of persons subject to discrimination on the grounds of sexual orientation, it was also working on all other grounds of discrimination listed in the anti-discrimination law.

49. **Ms. Stanchevska** (The former Yugoslav Republic of Macedonia) said that over 1,000 cases of domestic violence had been reported in the country in 2015 and 200 had been registered in the first quarter of 2016.

50. **Mr. Chupi** (The former Yugoslav Republic of Macedonia) said that sex education programmes in schools taught acceptance of sexuality, including sexual diversity, as a natural part of life, and emphasized the reproductive process. They also covered such problems as paedophilia and sexual abuse.

51. Full educational curricula had been developed for children from the Albanian, Turkish and Serbian minorities who preferred to be educated in their own languages during the primary school years. Roma children could also study their own language as of the third grade. There were language specialists and textbooks for all of those languages.

52. **Ms. Grozdanova** (The former Yugoslav Republic of Macedonia) said that, although there was no difference between the pay of women and men who did the same job, women continued to choose stereotypically female professions, which were lower paid, and therefore made less money than men. No complaints had been received from citizens about unequal pay.

53. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that any person with refugee status had the right to social and health services. There were about 500 Roma from Kosovo in that country who enjoyed all rights and were registered and permitted to work.

54. The 2012 Law on the Minimum Wage had resulted from negotiations between the National Economic and Social Council, the trade unions and employer associations; the Government had acted as mediator. The Government had not wished to create problems for the textile and leather processing industries; if a minimum wage had been made obligatory, many persons would have lost their jobs. It was understood that the minimum wage would gradually increase in line with the cost of living.

55. **Ms. Manevska** (The former Yugoslav Republic of Macedonia) said that the law on abortion had actually had a positive effect on doctors, who now felt safer. No charges had been brought against any doctors since the new law had come into force. Criminal charges had been brought in two cases involving illegal abortion. There were committees in all hospitals responsible for taking decisions in the event that an abortion was urgently needed. All women in the country were entitled to gynaecological care and there was no statistical

information suggesting that Roma women were subject to discrimination in gynaecological clinics.

56. Funding from the Global Fund to Fight AIDS, Tuberculosis and Malaria for drugs-related projects would end in late 2016 and be taken over by the Ministry of Health. As for minors who were drug users, age was not an issue; young persons were cared for under the same treatment programmes as adults. In addition, their health care was covered under their parents' insurance plans.

57. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that public competitions had been held to recruit gynaecologists for the municipality of Shuto Orizari. The Government had also offered a salary supplement with a view to attracting doctors to the area.

58. The law against unregistered economic activities had been adopted in an effort to eliminate the informal sector, in which workers had no benefits or protection of any kind. The authorities conducted controls and inspections in order to identify unregistered businesses. Once those businesses were properly registered, the employees received all the usual protection afforded to workers. During the first year, the employer was exempt from paying social contributions for his or her employees. Employees entitled to unemployment benefits included, inter alia, seasonal workers, persons left jobless after bankruptcy, and persons laid off from their jobs.

59. Government funding for equitable regional development provided grants for municipal improvement projects. There were also municipal associations that administered project grants, once the viability of the projects had been assessed by the Ministry of Finance.

60. Turning to another question, he said that the sales tax had been grossly inefficient. The Government had therefore decided to introduce value added tax, which had eliminated tax evasion. Basic foods and medicines were taxed at 5 per cent; luxury goods at 18 per cent. In his view, that did not represent inequality. He did not exclude the possibility that a progressive tax scheme might be introduced at some time in the future.

61. Education was considered the most important strategy for the reduction of poverty. The motto "Education is power" had led to increased enrolment at all educational levels. Poverty had been halved since 2007, and now was at just over 20 per cent although, of course, more work remained to be done.

62. **The Chair** inquired how an asylum seeker survived during the year that he or she had to wait for permission to register with an employment agency.

63. **Mr. De Schutter** said that the Committee was pleased with the high-quality and transparent dialogue it had held with the delegation of the former Yugoslav Republic of Macedonia, and was grateful for the information that had been provided. It was clear that the country was in transition, and often such transitions entailed the loss of rights. Growth, however, only strengthened economic and social rights if the fruits were distributed to the poorest sectors of society. Since 22 per cent of the population of the country was still poor, the Committee hoped that progress would bring an end to poverty. Culture and society were also changing and, in the Committee's view, the Government should set new cultural trends rather than follow them.

64. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that asylum seekers were placed in centres until their applications were either granted or rejected; they were provided with accommodation, food, medical care and other services. Thanking the members of the Committee for their questions, he said that the country was indeed in transition; it had made great efforts to satisfy the membership standards of the European Union and the North Atlantic Treaty Organization, and would continue on that path. It was

also prepared to work hard to honour its obligations under the Covenant and to fulfil the recommendations of the Committee.

65. **The Chair** said that the Committee had a much greater understanding of the situation in the former Yugoslav Republic of Macedonia as a result of the delegation's visit. He was pleased to note that the Covenant was a significant document for policymakers, legislators and the courts. The Committee was interested in the notion of passive and active jobseekers, and would reflect on it. It was unusual for new concepts to play a role in the dialogue.

The meeting rose at 12.55 p.m.

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Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record of the 34th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 14 June 2016, at 3 p.m.

Chair: Mr. Sadi

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(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined fourth and fifth periodic reports of Angola

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined fourth and fifth periodic reports of Angola (E/C.12/AGO/4-5; E/C.12/AGO/Q/4-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Angola took places at the Committee table.*

2. **Mr. Graça** (Angola), introducing the combined fourth and fifth periodic reports of Angola (E/C.12/AGO/4-5), said that, in order to understand the current situation in his country, it was necessary to keep in mind that it had been at war during a third of its forty years of independence. As Angola's President had rightly noted, peace and security were essential to the development of democracy, the rule of law and the promotion of human rights.

3. The country's first post-conflict general elections had taken place in 2008, and the new Constitution, which had enshrined a number of fundamental rights and broadened the scope of economic and social rights, had been approved in 2010. The general elections of 2012 had been held in accordance with the new Constitution. The establishment of the Constitutional Court and the Ministry of Justice and Human Rights had afforded enhanced protection of their human rights to the people of Angola. Angola had also ratified a number of international human rights instruments, including the Convention on the Rights of Persons with Disabilities, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention for the Protection of All Persons from Enforced Disappearance.

4. Angola had greatly strengthened its capacity to address its major social problems. As a result, life expectancy, like school attendance and literacy rates, had increased considerably, whereas infant and maternal mortality rates had fallen. Nonetheless, the Government was well aware that there was more to be done, particularly with a view to achieving better health outcomes.

5. Increased investment in the country's transport and energy infrastructure had given the population new economic opportunities and, combined with the improvements to the health and education sectors, had led to a steady increase, on the order of 3 per cent a year, in the country's human development index. Although Angola had been hit hard by the ongoing slump in oil prices, the Government had pursued a long-term strategy, Angola 2025, that had contributed to the country's recent development. It had also developed a strategy to weather the current economic and financial crisis. Its main objective was to step up the diversification of the Angolan economy, with a view to safeguarding the rights and interests of the country's most disadvantaged population groups. The people of Angola had the creativity to turn the current crisis into an opportunity.

6. **The Chair**, thanking the head of delegation for his opening statement, said that, while it was true that peace and security were the foundations for the enjoyment of human rights, the converse was also true, namely that the enjoyment of human rights was the foundation for peace and security.

7. **Mr. Zerbini Ribeiro Leão** (Country Rapporteur) said that although the combined fourth and fifth periodic reports submitted by the State party had shed light on its efforts to implement the provisions of the Covenant, a number of points remained to be clarified. He

wondered, for instance, whether the State party intended to ratify the Optional Protocol to the Covenant. He also wondered whether the Covenant was fully incorporated into domestic law and whether ordinary citizens could invoke the Covenant in domestic court proceedings. What mechanisms were in place to guarantee the independence of the judiciary?

8. He would welcome specific information on the steps taken by the State party to combat rampant inequality. Up-to-date statistics would be of particular interest in that connection. He asked whether the Office of the Ombudsman had been given a specific mandate and the resources necessary to fulfil it.

9. He wished to know whether the State party planned to set up a legal framework to ensure that the free and informed consent of people living in areas affected by proposed development projects, in particular indigenous people, was obtained before any such projects were launched. Current statistics relating to indigenous communities would also be welcome.

10. He asked what was being done to combat official corruption, which was apparently widespread, and what steps were being taken to ensure that the siphoning of funds did not deprive the social sector of badly needed resources. He also wondered how the State party intended to address its lack of anti-discrimination legislation and what measures it was taking to bring its treatment of economic migrants, asylum seekers and refugees into line with international standards. Statistics on migrants in the State party, broken down by gender, age range and place of residence, would be especially useful.

11. He asked what measures the State party had taken to address the customary land-inheritance laws that led to discrimination against women. The Committee would also welcome information on the steps being taken to combat gender segregation in employment and provide women with more opportunities to move out of the informal sector and into better-paid work.

12. **Mr. Pillay** said that he wished to know what the State party had done to address the Committee's concerns, expressed in its concluding observations on the combined initial, second and third periodic reports of Angola (E/C.12/AGO/CO/3, para. 12), about serious shortcomings in the administration of justice in the State party, in terms of access to justice, corruption and independence of the judiciary. Had the courts been given the resources they needed to operate in a timely and efficient manner?

13. Further, he asked whether the State party, as a member State of the Southern African Development Community (SADC), intended to reinstate the right of access of natural and legal persons to the regional SADC Tribunal under the new Protocol on the Tribunal.

14. **Mr. Uprimny** said that, with a Gini coefficient of 0.56, Angola was one of the most unequal countries in Africa and indeed the entire world. The high level of inequality affected not only the availability of resources, but also the enjoyment of economic, social and cultural rights. Although the country's Human Development Index score had increased to 0.532, it stood at only 0.335 if adjusted for inequality, a reduction of more than 30 per cent. The State party must address the issue of inequality as a matter of urgency from the perspective of economic, social and cultural rights. According to the High-level Panel on Illicit Financial Flows from Africa, illicit financial flows accounted for 7 per cent of GDP in Angola. What measures were being taken to combat corruption?

15. **Mr. Kedzia** said that, according to article 76 of the State party's Constitution and paragraph 108 of its report (E/C.12/AGO/4-5), work was both a right and a duty. The delegation should explain the concept of a duty to work. Was it a possible basis for compulsory or even forced labour or was it simply a moral obligation?

16. In paragraph 28 of its replies to the list of issues (E/C.12/AGO/Q/4-5/Add.1), the State party had reproduced data on the employment rate from the 2014 census, but the information provided on unemployment was inconclusive. It would be helpful for the delegation to inform the Committee of the general unemployment rate as recorded in the 2014 census and the benefits available for the unemployed. The Committee was concerned by the increase in the unemployment rate from 12.5 per cent in 2009 to 28.6 per cent in 2011. Although the increase must be interpreted in the context of the global economic crisis, the State party's economy was highly vulnerable to sudden shocks. What had the State party done to improve the resilience of the economy with a view to protecting the labour market? The Committee was particularly concerned by the high rate of youth unemployment, which was approximately 46 per cent for persons aged 15 to 19, and would like information on the effectiveness of the 2013-2017 National Development Plan aimed at combating youth unemployment. Information was also needed on the reported ban on the employment of asylum seekers and undocumented refugees.

17. In paragraph 20 of its concluding observations on the State party's initial to third periodic reports (E/C.12/AGO/CO/3), the Committee had noted with concern that the vast majority of workers were employed in the informal economy and were thus deprived of labour rights, the right to social security and protection from discrimination and exploitation. In paragraphs 33 and 34 of its replies to the list of issues, the State party had provided a limited response to the Committee's request for information on the measures taken to increase participation in the formal labour market, mentioning a series of actions planned in the framework of the 2013-2017 National Development Plan and the launch of a major programme to diversify the economy. The Committee would like to know the results of the State party's efforts, its predictions for the following five years and whether the actions planned in the framework of the 2013-2017 National Development Plan had become operational. It would also be helpful to know whether the State party had implemented a data-collection system to monitor unemployment in the informal labour market.

18. The Committee had asked how the new Labour Law reflected the principles enshrined in articles 6 and 7 of the Covenant, but the State party's response in paragraph 31 of its replies to the list of issues had been very general. It would be helpful for the delegation to elaborate on measures taken in relation to such issues as the minimum age of employment; child labour; labour inspections; equal pay for work of equal value; and sexual harassment in the workplace. Although sexual harassment was covered by the Penal Code, what provision was made for it under the Labour Law? The Committee had been provided with inconsistent information on the minimum wage and needed clarification: was the minimum wage 22,501 kwanzas, as stated in paragraph 32 of the State party's replies to the list of issues, or 25,000 kwanzas, as stated in paragraph 124 of its report?

19. In paragraph 22 of its concluding observations on the State party's initial to third periodic reports, the Committee had noted with concern the obstacles to the establishment of trade unions, their low membership and the excessive restrictions on the right to strike. The Committee had asked how the legal framework governing trade unions was being brought into line with the Covenant, but the response in paragraph 35 of the State party's replies to the list of issues had been limited. That being the case, the Committee would like the delegation to provide more information on the rate of trade union membership across the workforce; the rate of trade union membership by sector; the right of employees of foreign-owned companies to form and join trade unions; collective bargaining; the exercise of the right to strike in practice; recorded violations of the right to strike; the protection from harassment and discrimination offered to trade union members and leaders; and the right of trade unions to establish national federations and join international trade union organizations.

20. **Ms. Bras Gomes** said that the Committee had received rather disappointing information on the right to social security. Given that the proposed plan to raise more revenue for the social security system from voluntary contributions was unlikely to be sustainable in the long term, the Committee would like to know how else the State party planned to diversify its financing. The State party had informed the Committee of legislation guaranteeing universal coverage of social security, but the system seemed to be financed largely by voluntary contributions, which were beyond the means of many people. The Committee had previously recommended that the State party should extend the coverage of the social security system to include those working in the informal economy, among others. In that regard, was the State party cooperating with the International Labour Organization to extend the coverage of basic health insurance? The right to social security was often threatened in times of financial crisis. In the light of the head of delegation's comments about the effect of the current financial crisis, was the delegation familiar with the 2012 letter from the Committee's former Chair to all States parties to the Covenant on the impact of austerity measures on economic, social and cultural rights?

21. **Mr. De Schutter** said that a number of cash transfer programmes had been established in Angola to complement the compulsory social security system managed by the National Social Security Institute. According to recent figures, some 2.9 million individuals were covered by such programmes. It would be helpful to know whether they would be extended or universalized to cover the entire population. The Committee would also like to know whether they were based on rights, such that it was possible for independent adjudicators to redress any violations, how they were financed and how their financial sustainability would be ensured in the long term.

The meeting was suspended at 4 p.m. and resumed at 4.30 p.m.

22. **Ms. Manuela** (Angola) said that the Optional Protocol to the Covenant was one of a number of texts that Angola intended to ratify. Pursuant to article 26 of the Constitution, the Covenant could be invoked either directly, as was attested in the examples provided in the report under consideration, or indirectly via the relevant national laws in which it was reflected. The independence of the judiciary was guaranteed by various mechanisms. Candidates for the judiciary had to pass a national competition and undergo training at the National Institute of Legal Studies, and courts had their own budgets and were administratively independent. The Government was in the process of reforming the judicial system with a view to further strengthening its independence.

23. With regard to inheritance, discrimination against women should be interpreted in the light of article 7 of the Constitution, pursuant to which custom was valid if it did not contradict the Constitution or threaten human dignity. It would take time to change attitudes towards inheritance rights, but women were already able to defend their right to inherit before the courts. For cultural reasons, discrimination was generally a greater problem for women in rural areas. Pursuant to article 23 of the Constitution, all persons were equal before the law. The Government's ongoing reform of the Penal Code would include consideration of the problem of discrimination in line with the requirements of the Covenant and other international instruments to which the State was party.

24. **Ms. Cardoso Januário** (Angola) said that since 2008 the Government had been working closely with the regional office of the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme with the objective of accrediting the Ombudsman, set up in 2005, as the national human rights institution. The Office of the Ombudsman was already in compliance with the majority of the criteria of the Paris Principles and would be adapted to meet the remaining requirements. The Government was also currently considering the possibility of accrediting a different entity as the national human rights institution.

25. **Mr. Ceita** (Angola) said that, in accordance with a recent law, all stakeholders, including NGOs and trade unions, were able to participate in the national statistical system and influence the data collected. All of the employment data produced by the National Institute of Statistics over the past three years had been verified and closely monitored by international bodies including the United Nations, the International Labour Organization, the World Bank and the International Monetary Fund. Various types of statistics were produced under the national statistical system, including the monthly consumer price index, the annual national gross domestic product as well as child and maternal mortality statistics.

26. The Government had conducted a population census in 2014, for the first time in 40 years, in collaboration with the United Nations Population Fund and in line with United Nations methodology.

27. Employment data were collected through family surveys and also covered the informal sector. The surveys had been conducted on a regular basis every year except 2014, when they had been postponed in order to carry out the population census.

28. The Committee had mentioned an unemployment rate of 40 per cent, but that figure was incorrect and the actual rate for 2014 had been 24 per cent for men and 25 per cent for women.

29. **Mr. Graça** (Angola) said that the Southern African Development Community Tribunal was a regional entity and so was not under the control or authority of the Government. On the subject of corruption and illegal flows of capital, he could not confirm the figures cited by the Committee, as the sources of the data would need to be scrutinized and the Government did not have access to that information. It was also unfair to state that Angola had a generalized or widespread problem with corruption. Likewise, it could not be claimed that all 400,000 civil servants in Angola, representing 0.6 per cent of the entire population of the State, were involved in acts of corruption. The majority of civil servants were honest and trustworthy and simply wanted to see their State develop and succeed.

30. Nonetheless, the Government was not complacent when it came to identifying and tackling corruption in public sector bodies. From both a policy and legislative perspective, there were ample measures in place to prevent and combat corruption and provide oversight. Internally, the legality of all actions carried out by civil servants working in public sector bodies such as the Ministry of Finance, the Ministry of Education and the Ministry of Health was checked by in-house inspection services. Externally, a range of preventive checks were used to ensure that all tasks were carried out in accordance with the law and to review the General State Budget. The Court of Auditors was the main body responsible for conducting those checks, along with the National Assembly. For example, the legality of all financial transactions carried out by civil servants, regardless of their value, was checked. Any cases of suspected corruption were referred to the competent bodies.

31. On the subject of economic diversification, which was one of the priorities of the National Development Plan, the Promotion and Diversification of Economic Development Policy for 2013-2017 was intended to promote employment and economic growth. The objective of diversifying the economy and reducing the State's reliance on the oil sector was also part of the Strategic Programme for Long-Term Development. A degree of success had already been achieved given the fact that over the past 15 years the weight of the oil sector in relation to the economy as a whole had decreased from 52 per cent to 30 per cent. However, oil still accounted for 90 per cent of the State's exports and around 70 per cent of all tax revenue. The economy was therefore still very vulnerable to any market fluctuations in the oil sector and economic diversification was a strategic priority for the Government.

32. A strategy had been approved to channel funding towards diverse economic projects, improve production in various economic sectors, reduce the State's reliance on imports by

producing domestic substitutes for common imports, promote exports and support private investment projects. Over the previous three years, more than 700,000 new jobs had been created in Angola, which was an important step forward in dealing with economic inequality. The Government would continue to focus on measures to diversify and strengthen the economy, to ensure it was less vulnerable and more resilient to crises, and to create job opportunities in the future.

33. **The Chair** said that the responses provided were useful but rather vague; the Committee would therefore appreciate more detailed information in reply to the remaining questions.

34. **Mr. De Schutter**, while commending Angola's remarkable achievement in halving the proportion of its population that suffered from hunger, said that undernourishment and malnourishment remained prevalent, especially among certain groups, hence the importance of producing disaggregated data so that relevant policies could be better targeted. Drawing the delegation's attention to the Committee's general comment No. 12 on the right to adequate food and the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, he asked whether the State party intended to institutionalize the National Strategy for Food and Nutrition Security, whether the bodies provided for under the National Strategy had been established and whether they included representatives of civil society.

35. He asked whether the Contingency Plan for Calamities and Natural Disasters assigned duties to various government entities, allocated sufficient resources for preparedness, took account of the population's rights and provided for avenues to claim those rights.

36. Referring to paragraph 25 of the list of issues (E/C.12/AGO/Q/4-5) and the Committee's general comment No. 22 on the right to sexual and reproductive health, he requested more detailed information on the State party's efforts to provide sexual and reproductive health education that was comprehensive, non-discriminatory, evidence-based, scientifically accurate and age appropriate.

37. **Mr. Pillay** asked what programmes had been adopted to reduce high poverty levels, especially among disadvantaged and marginalized groups, such as rural women, large families, single parent households, children in street situations and indigenous peoples. He wished to know whether there was a housing deficit in the State party and, if so, who tended to face barriers in accessing social or affordable housing, what steps had been taken to address the issue and what the results had been. He also wished to know how successful the National Urban Planning and Housing Programme had been. He enquired about the number of people who, because they lived in informal settlements, were subject to forced eviction and about whether the legal framework governing forced eviction was in line with the Committee's general comment No. 7 on the right to adequate housing: forced evictions and with international standards.

38. **Mr. Uprimny**, referring to paragraph 217 of the State party's report, asked whether the figures on maternal mortality were accurate and, if not, what the correct figures were, ideally disaggregated by economic status. In relation to his earlier intervention, he said that the figures he had quoted came from table 3.1 of the Report of the High-level Panel on Illicit Financial Flows from Africa, which could be found on the website of the United Nations Economic Commission for Africa.

39. **Mr. Zerbini Ribeiro Leão** asked how the State party intended to prohibit polygamy in practice and what initiatives were in place to combat violence against women and girls.

40. **Mr. Atangana** said that additional information would be appreciated on the measures taken with regard to domestic violence and early marriage and the penalties

handed down in such cases; the economic exploitation of children; birth registration among foreign nationals, in particular refugees and asylum seekers; and the acquisition of Angolan nationality by the children of foreign nationals born in the country.

41. **Mr. Mancisidor de la Fuente** said that, while he commended the State party on the progress made in widening access to education, primary education still was not universal or free. He asked how the State party intended to achieve universal access and within what time frame. Regarding the levels of access achieved to date, he considered the information provided in paragraph 248 of the State party's report to be unsatisfactory, and enquired about plans regarding preschool education. He asked why there was a much higher dropout rate for girls than for boys, what steps were being taken to correct the imbalance, how the State party was addressing the disparity in access to education between rural and urban areas, and how it planned to remedy the school infrastructure problem, especially at the secondary level.

42. Referring to paragraph 257 of the State party's report, he asked whether more ambitious programmes on the integration of national languages into the education system were planned. He also asked what policies were being developed to improve the training of teachers and increase their recruitment and retention in a bid to raise the quality of education. Lastly, he wished to know to what extent it was possible to use national languages in order to participate in public life and what policies were in place to protect those languages and encourage their use, given that Angola was home to four languages under threat of extinction according to the United Nations Educational, Scientific and Cultural Organization (UNESCO).

43. **Mr. Kerdoun** said that data should be provided on appropriations for education in 2015 and 2016, and on their share of the total State budget. He asked how the State party intended to remedy the high illiteracy rate among persons aged over 16, in particular women.

44. **Ms. Shin** asked how the State party ensured that women were able to bring cases of discrimination in inheritance matters to the courts given that many, especially those living in rural areas, were illiterate and unaware of their rights. Did they have access to legal assistance?

45. **Mr. Kedzia**, pointing out that the Internet was a powerful educational, cultural and administrative tool, invited the delegation to comment on access by groups who were disadvantaged in that regard, by reason of location, age or other factors.

46. **The Chair** suggested adjourning the proceedings to give the delegation time to prepare its answers for the following meeting.

The meeting rose at 5.40 p.m.

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Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record of the 35th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 15 June 2016, at 10 a.m.

Chair: Mr. Sadi

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Combined fourth and fifth periodic reports of Angola (continued)

This record is subject to correction.

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The meeting was called to order at 10.10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined fourth and fifth periodic reports of Angola (continued) (E/C.12/AGO/4-5; E/C.12/AGO/Q/4-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Angola took places at the Committee table.*

2. **Mr. Cristóvão** (Angola), replying to a question raised at the previous meeting on the status and use of languages other than Portuguese in Angola, said that the Constitution established the obligation of the State to promote the study, teaching and use of other national languages. The last census conducted in the country showed that around 70 per cent of Angolans spoke Portuguese at home while the remainder spoke one of the recognized national languages.

3. While the Constitution did not expressly recognize linguistic minorities, the State did and had taken measures to protect the languages that they spoke. The Ministry of Culture attached great importance to the preservation of minority languages and to the promotion of their use in public and private institutions, as well as in all spheres of public life. In keeping with that goal, a resolution calling for the creation of an alphabet for certain minority languages had been passed. The alphabets in question would be developed by the Angolan Institute for National Languages, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), as part of a language development project.

4. The African Academy of Languages was assisting the Government in preparing dictionaries and other materials for the teaching of national languages. Although national languages were taught first and foremost in secondary schools, it was also possible to pursue studies in those languages at undergraduate and postgraduate level at the country's universities. An institute had been created for the sole purpose of promoting the study and use of national languages in Angola. Furthermore, a variety of television and radio programmes were broadcast solely in national languages. National languages continued to be an integral part of the country's cultural heritage, as demonstrated by the fact that many authors and musicians still chose to write and compose in one of those languages. Grants and prizes could be awarded to individuals who had demonstrated their commitment to preserving and promoting national languages through development projects or creative endeavours. A bill on the status of national languages had been submitted to the national parliament which, if passed, would serve to enhance their position further.

5. Regrettably, three minority languages had become extinct and a fourth language was dying out. That trend could be explained by the fact that some ethnolinguistic groups had gradually abandoned their habitual language in favour of that of a neighbouring community.

6. Although the Constitution did not recognize ethnic minorities, the State did and, in cooperation with non-governmental organizations (NGOs), had launched a number of programmes to guarantee them access to basic health-care and social services. There was no evidence to suggest that ethnic minorities were disproportionately involved in land disputes. Such disputes could be resolved by extrajudicial means or by the national courts. The national strategy for territorial administration included a programme targeting traditional communities and a study on issues relating to ethnolinguistic groups.

7. **Mr. Guimarães** (Angola) said that the Constitution enshrined the right of workers to create trade union organizations in order to defend their collective and individual interests and regulated the founding, affiliation and dissolution of those organizations, guaranteeing their autonomy and independence from employers and the State. While the right to strike was also guaranteed, its exercise could be limited to ensure the continued operation of services and activities considered essential and urgent in terms of meeting vital social needs.

8. There were currently 152 trade unions operating as part of three trade union confederations in Angola. The total number of trade union members was somewhere in the region of 866,000. A special law regulating trade union activities was in force. Angola had ratified all the core conventions of the International Labour Organization (ILO), which included the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

9. Despite the problems encountered by the country in the wake of the global financial crisis, the Government had successfully adopted laws, programmes and policies to stabilize the country's macroeconomic situation, to combat poverty and to promote decent work. Measures to restructure the national economy had been included in the National Development Plan with a view to improving the country's human development index. The Government continued to devote substantial efforts to facilitating the transition from the informal to the formal economy and, to that end, had adopted programmes to create jobs, to provide persons making the transition with adequate training and to promote registration with social security and taxation authorities. However, while much had been achieved in that respect, the Government acknowledged that it needed to do more to assist the more vulnerable segments of Angolan society.

10. The fixing of the national minimum wage was regulated by the General Labour Law. The national minimum wage often varied from sector to sector and both public and private employers could, and often did, pay employees more than the minimum wage fixed for the sector in question, provided that doing so would not jeopardize the country's economic growth and stability.

11. The Government was examining the possibility of introducing a social protection floor and, with the support of the Community of Portuguese-speaking Countries, had identified the most appropriate mechanisms and the resources necessary for doing so. However, the fact that the transition from the informal to the formal economy was not yet complete would preclude the introduction of a social protection floor in the near future. The Government could, however, adopt a series of interim measures.

12. **Mr. Fernandes** (Angola) said that the Government was aware of the need to guarantee food security and, to that end, had adopted a programme to increase and improve the provision of goods and services in the agriculture, fisheries and forestry sectors, in keeping with the strategic objectives of the Food and Agriculture Organization of the United Nations relating to the elimination of hunger, food insecurity and malnutrition, and the promotion of more productive and sustainable agriculture, forestry and fisheries. One of the aims of the programme was to guarantee the traceability of fish and fishery products as a means of ensuring higher safety and hygiene standards and better quality control in that sector. An early warning system for food security comprising a series of weather stations had also been introduced. Furthermore, facilitating access to loans for agribusinesses had been included as a priority in the country's agricultural policy in an attempt to guarantee food security in the country.

13. From 2011 to 2013, the Government had invested close to $3 million in the construction of three fish processing centres. The social impact of the project had been

positive, as the newly opened centres had proceeded to employ just under 900 female informal sector workers, thereby facilitating their transition to the formal economy and boosting their income. Those workers had been granted microcredits and had received technical training in processing and handling fish and fishery products. In 2015, the Government had invested further in those centres to ensure that their fish products were of the best possible quality. In addition, some 220 young fishermen had been trained in handling fish products and performing quality control checks.

14. The onset of drought in certain regions of the country had prompted the Government to deliver a considerable amount of food and other goods to the populations affected and to allocate significant funds to offset its effects.

15. **Mr. Ceita** (Angola) said that, according to the census conducted in 2014, around 10 per cent of the population owned a computer and had Internet access, which amounted to some two million people. In order to increase computer literacy, the Government had opened eight multimedia libraries in the country's major provinces. Some one million people had been using the new multimedia libraries since August 2012. There were plans to open a further four multimedia libraries in the remaining provinces of the country by the end of 2017.

16. Although the outbreak of the armed conflict in Angola had prompted the majority of rural dwellers to seek refuge and a better life in urban areas, a considerable number had remained in their homes. In an effort to alleviate the poverty in which much of the rural population lived, the Government had launched a number of programmes targeting the most vulnerable groups, namely women, children and adolescents, and the elderly. The aim of the programmes was to afford those groups access to agricultural inputs, microcredit, housing, education and running water. A considerable reduction in rural poverty had been recorded as a result of those programmes. There were also plans to conduct a survey to collect data on household income and expenditure in rural areas in order to gain a better understanding of the seasonal needs of rural communities.

17. Referring to the letter to States parties dated 16 May 2012 from the Chair of the Committee, on austerity measures and their potential impact on the enjoyment of economic, social and cultural rights, he said that data collected between 2008 and 2016 showed that the average proportion of the State budget allocated to education, health and social protection over that period had remained constant at 7.5 per cent ($3 billion), 5.5 per cent ($2.3 billion) and 11 per cent ($6.5 billion), respectively. During that period, the Government had been obliged to redouble its efforts to recruit professionals in the health-care and education sectors. To date, around 22,000 educators and 3,500 doctors had been recruited, which attested to the importance that the Government attached to the welfare of the Angolan people.

18. The 2015-2016 report on health statistics would be released at the end of June 2016, and the Government would forward it to the Committee. The data for the report had been collected through a multiple-indicator household survey which in previous years had focused on women and children, but had now for the first time included men in order to collect biometric data on HIV status. The report included data on the prevalence of malaria, childhood anaemia, and maternal, newborn and infant mortality, as well as data on nutrition disaggregated by sex, age and region. The World Health Organization (WHO), the World Bank and the United States Agency for International Development had provided funding and technical support for the National Statistics Institute.

19. The data on employment and unemployment previously provided by the delegation encompassed both the formal and informal sectors; the Government was currently drawing up a profile of the informal sector in recognition of its important role.

20. The 2016 budget allocated US$ 4 billion to education, US$ 3 billion to health, and US$ 8 billion to social protection

21. **Ms. Cardoso Januário** (Angola) said that the right to freedom of association was enshrined in the Constitution and the Private Associations Act. A total of 228 national and 73 international private associations were active in the country. Complaints of human rights violations could be lodged with a number of bodies, including local human rights committees, the prosecution service, the police, the Attorney General's Office, and provincial courts. The Government had reduced the number of administrative steps for creating a private association to a maximum of six: those steps included drafting the articles of association, registering the association, publishing the registration in the Official Gazette, and registration with the Ministry of Justice and Human Rights. At that stage, a provisional registration was issued, pending review by the Attorney General's Office, which would then issue the definitive registration certificate unless amendments were required to bring the articles of association into line with legal provisions.

22. The Government was currently implementing the provisions of the Regulation on Non-Governmental Organizations, which had been drawn up in response to cases of illicit transactions linked to money laundering and the funding of terrorism, and which formed part of its commitments to the Financial Action Task Force. The Ministry of Justice and Human Rights had a close relationship with every single private human rights association operating in the country, and was currently working to finalize the registration of those associations which had not yet completed that process. Within the Ministry, eight bodies acted in an advisory capacity on issues of concern to private associations.

23. The Government was rolling out the Be Born a Citizen project to all maternity wards and traditional midwives in all parts of the country; under that scheme, all births would be registered regardless of the nationality of the baby's parents. The Government was making efforts to simplify the process of acquiring Angolan nationality for the children of foreign nationals.

24. **Ms. Manuela** (Angola) said that, although there was not yet any specific legislation banning discrimination, article 23 of the Constitution enshrined the concept of non-discrimination. Article 214 of the draft Criminal Code soon to be put before parliament established a sentence of 2 years in prison and a fine equivalent to 240 times the minimum daily wage for refusing to provide employment, goods or services on the grounds of race, ethnicity, gender, sexual orientation or disability.

25. The Government had conducted awareness-raising campaigns, including talks and radio broadcasts, to inform women in rural areas of their economic, social and cultural rights, and of the channels available to them to complain about rights violations. Legal aid was available for women, and civil society organizations also provided assistance in that area.

26. The Government was extending the jurisdiction of the courts, and was considering establishing alternative justice mechanisms, including mediation and arbitration services. The current bill on access to justice, which was intended to reduce bureaucracy, would establish legal assistance centres with a specific budget and trained staff. A total of 60 local authorities were considering setting up such centres.

27. Article 76 of the Constitution on the right and duty to work should not be understood as a justification of forced labour; rather, civil servants had a duty to comply with the law and fulfil the responsibilities entrusted to them.

28. Victims of sexual harassment at work could turn to labour and civil disciplinary bodies for redress, and the draft Criminal Code provided for a term of imprisonment of 3 years or a fine equivalent to 360 times the minimum daily wage for abuse of authority.

29. Efforts were being made to combat the practice of polygamy through awareness-raising programmes. Under the provisions of the Family Code, marriages had to be monogamous; however, de facto unions legalizing unofficial marriages were permitted under article 7 of the Constitution, which stated that customary practices which had not been outlawed should continue to be recognized.

30. While the age of majority was 18, boys could marry at the age of 16 and girls at the age of 15 with consent from their parents or the courts; however, such cases were rare. In partnership with children's rights organizations and the Attorney General's Office, the Government had carried out awareness-raising campaigns to dissuade people from the customary practice of early marriage.

31. **Mr. Hivilikwa** (Angola) said that the forthcoming results of the household health survey would provide more information on the issue of teenage pregnancy. The National Reproductive Health Strategy had led to a drop in the rate of pregnancy among girls under the age of 15 from 1.6 per cent in 2014 to 1.3 per cent in 2015. The Ministry of Health was currently drafting an integrated health programme for young people in collaboration with partners including the United Nations Children's Fund (UNICEF), the Ministry of Education, women's groups and the media. All hospitals and maternity centres offered free consultations on sexual and reproductive health, and free contraceptives were widely available, including in bars and hotels.

32. **Ms. da Luz** (Angola) said that article 25 of the Constitution granted foreigners and stateless persons the same rights as Angolan nationals, with the exception of voting rights and employment in diplomatic and security services, and asylum could be requested on political grounds. The children of immigrants, asylum seekers and refugees were entitled to access housing, health and education services. A new law on the rights of asylum seekers and refugees would be brought into effect shortly.

33. Since 2006, the Government had been implementing an integrated programme to combat poverty and provide basic services to 15 million people. The programme focused on many challenging areas, including the creation of basic infrastructure, the resettlement and reintegration of internally displaced persons, the reduction of hunger, the spread of HIV/AIDS, and access to employment opportunities.

34. All Angolan residents who lacked the necessary means of subsistence were eligible for benefits under the system of social protection. The persons concerned included those living in extreme poverty, women in disadvantaged situations, children and adolescents with special needs, older persons who were economically dependent or isolated, persons with disabilities, unemployed persons at risk of marginalization and others. There were both municipal and national programmes to combat poverty and hunger and to increase family income.

35. The new Productive Social Transfer programme assisted people in finding work and in creating productive infrastructure that was consistent with the new realities of the country. It emphasized social assistance through social income transfers, with a view to bringing women heads of household and other vulnerable members of society back into the production cycle. It also sought to build new villages, providing not only housing but also water, sanitation and other basic services.

36. The Government of Angola was developing a national strategy to prevent violence against children, with the participation of a range of ministries. Flagrant and alarming acts of such violence were occurring along Angola's borders, where children worked in diamond mines, construction sites and fisheries.

37. On the matter of violence against women, she said that, by ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the

African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Government of Angola had made a commitment to take measures to protect the rights of women, which included protection against discrimination. Laws had been adopted on the participation of women in political life and on combating domestic violence, inter alia. The Ministry of Family and Women's Empowerment was the body responsible for implementing the terms of those instruments.

38. **Ms. N'Dala** (Angola) said that the school lunch and snack programme was a vital component of the poverty reduction strategy; regular access to meals was essential for learning. The Government had entrusted that programme to the municipal authorities, and apportioned funding directly from the national budget to each municipality on the basis of population density.

39. The Government of Angola sought to provide physical, intellectual, moral, civic, ethical and professional education to the younger generation of Angolans; in its view, education should be compulsory, universal and free of charge. It strove to form educated individuals who could play an active role in society and to instil a spirit of entrepreneurship. There were short-, medium- and long-term goals, but no time frames.

40. Angola was a vast tapestry of languages. Currently, 4 million children were taught in their indigenous native languages; additional languages would be incorporated gradually into school programmes. More girls than boys stayed in school; that might be attributable to the outmoded cultural view that girls had more initiative, creativity and entrepreneurship.

41. Efforts to promote education in rural areas included, inter alia, building new schools, recruiting more teachers and distributing school supplies free of charge. The Government was also assessing its mobile schools programme. There were many obstacles to school attendance in rural areas, including droughts, floods and other disasters. Girls were more affected by those obstacles than boys.

42. The Angola Learning for All Project, funded by the World Bank, aimed to improve teachers' skills and knowledge. Both national and international non-governmental organizations had reacted favourably to the early results of the project. UNESCO was also providing funding for education in Angola.

43. **Ms. Bras Gomes** asked whether the provision of social benefits was part of the social protection floor, and what those benefits comprised. She would also like to know how social spending had evolved in relation to the economic and political crisis in the country. She pointed out that the social protection floor should assist persons working in the informal sector until such time as they regularized their work status.

44. **Mr. Kedzia** said that the delegation had given an account of the concept of the right to work and the duty to work that differed from the one presented in the report. Article 76 of the Constitution raised doubts, since the notion of work as a duty might be used to justify forms of forced labour. Information would also be welcome on violations of the right to strike. It would be useful to know if labour inspections were carried out, and what were the results. More information would be helpful on the transition from an informal to a formal economy.

45. **Ms. Shin** said that she would like information on national efforts to combat traditional practices that discriminated against women. It would also be helpful to know what was being done to combat discrimination against women living in rural areas, women with disabilities and women belonging to ethnic minorities.

46. **Mr. Uprimny** said that the Committee welcomed improvements in the collection of information in Angola. The census taken in 2014 was a major step forward. The State party's report indicated that maternal mortality had dropped from 1,400 to 450 live births in the past several years; he wondered if the Government could confirm those figures.

47. **Mr. Zerbini Ribeiro Leão** (Country Rapporteur) said that he would like to know if there was a governmental framework for indigenous peoples in Angola, whether that framework ensured the protection of their right to the enjoyment of physical and mental health, and whether there was sufficient access in rural areas to both physical and mental health services. He would welcome a prompt answer to those questions.

48. **Mr. De Schutter** said he would like an update on the National Strategy for Food and Nutrition Security and the National Vulnerability Assessment Committee; in particular, he would like to know what role was being played by civil society in those programmes.

49. **Mr. Mancisidor de la Fuente** pointed out that the lack of recognition of linguistic diversity in the Constitution was not in keeping with the spirit of the Covenant or with the principle of non-discrimination. He urged the delegation to send replies in writing to the various unanswered questions.

50. **Mr. Graça** (Angola) said that the delegation would transmit information about the social protection floor within the next 48 hours, if possible. He said that the matter of work as a right and duty might, in fact, be a problem of translation. The concept of work as a duty implied that a person actively sought work and that the State prepared him or her for a profession; it did not mean that he or she was forced to work.

51. Answers would be provided in writing to the questions about statistical data on the labour sector, the effectiveness of labour inspections, and trade union membership. His delegation noted the Committee's concern regarding the maternal mortality rate and would look into the matter and confirm whether or not the information provided was accurate. His delegation would also look into the operations of the two institutions mentioned in relation to food security.

52. The Constitution placed all ethnic groups on an equal footing. Based on the understanding that no particular group should be treated differently than any other, it did not recognize the existence of indigenous peoples.

53. **Ms. Manuela** (Angola) said that protection of the economic, social and cultural rights of rural women was primarily the State's responsibility. The State did work in partnership with NGOs that helped to raise women's awareness of their rights, as it was only with such awareness that women could have access to justice. Additional information on existing plans and programmes in the area of women's rights would be provided in writing, along with examples of specific cases in which the Covenant had been applied.

54. There was no forced labour in Angola, and the Constitution could not be interpreted as providing for forced labour. National labour laws conferred both rights and duties on all workers, but that did not equate to forced labour.

55. **Mr. Hivilikwa** (Angola) said that the National Health Policy included goals related to mental health and that a study was under way to determine the main causes of mental illness and the incidence of such illness in Angola. Mental health services were available in six provinces, and the National Health Policy called for measures to build capacity, train staff and expand those services. According to the 2014 census, there were about 700,000 persons with disabilities in Angola, and of those, more than 650,000 were persons with mental disabilities. His Government was well aware of the scale of mental illness in the country and would strive to do more to combat the problem in the future.

56. **Mr. António** (Angola) said that the National Programme of Urbanism and Housing had been implemented since 2008 and comprised six subprogrammes, one of which dealt with land reserves, which were to be set aside and made available for housing whenever a development project was carried out. Reserves covering about 200,000 hectares of land had been established, making it possible to build a large number of housing units.

57. The "200 homes per municipality" subprogramme was available to all municipalities that were not provincial capitals. It was expected that some 26,000 housing units would be built under the subprogramme, of which about 10,000 had already been completed. Housing created through the National Programme was available to all without discrimination, and quotas for vulnerable groups had been established.

58. Another subprogramme focused on improving the housing currently available in several municipalities. Homes would be demolished and new ones built that would be serviced with new infrastructure. The Government was currently analysing proposals from private companies to upgrade three neighbourhoods in Luanda. There were also plans to build self-sustaining rural villages in various provinces. The costs of that project were currently being estimated.

59. About 68.5 per cent of the resources allocated to implement the National Programme were being used to fund a subprogramme that would subsidize building materials and make those materials available to local communities so that the members of those communities could build their own homes. The goal was for 685,000 homes to be built under that subprogramme. Infrastructure such as roads, water and electricity would also be provided for the communities.

60. Social housing units could be acquired through one of three means: a rental contract; a promissory note; or upfront payment. In the case of a rental contract, a low rental fee was charged, and payment could be extended over a long period. Persons who obtained social housing by means of a promissory note had 25 to 30 years to pay off the cost of the home but could do so more quickly if they wished.

61. While it had previously been possible to carry out evictions through an administrative process, current laws made a court order mandatory. Evictions normally took place only in cases where a person had encroached on another's property or had built on State land or on land that was unsafe. In cases where the Government wished to occupy land for which there was no title, it engaged in dialogue with the persons affected and offered them an equivalent parcel of land on which to build a new home. In Huila Province, persons living close to the planned route of a new access road to the main highway had been relocated to land on a reserve that was near a new housing development project. The Government was breathing new life into both urban and rural areas with its development projects and was ensuring access to decent housing.

62. **Mr. Zerbini Ribeiro Leão** thanked the delegation for its very useful answers and for the excellent way in which the dialogue had been conducted. He looked forward to receiving the statistical data that would be submitted in writing concerning the Government's efforts in many different sectors, all of which sought to affirm human dignity.

63. **Mr. Graça** (Angola) thanked the Committee for its valuable and constructive comments, which would help his country to strengthen its national mechanisms for the protection of the Covenant rights. Careful consideration would be given to how best to implement the Committee's recommendations, many of which coincided with the priority objectives set by his Government, namely those of strengthening the rule of law and improving the country's human development index.

64. A number of different measures in the fields of health, education and housing would be needed to meet those objectives. Programmes to address those areas were included in the National Development Plan 2013-2017. The dialogue had helped his delegation to better understand how the Committee worked and what types of information it valued the most. His Government was deeply committed to sustainable development, which required long-term planning. He wished to draw the Committee's attention not just to his Government's one-off results but to significant trends, such as the drop in the Gini coefficient and the increase in the human development index in recent years. If those trends continued, it

would surely help to make the Covenant rights a reality, as those rights were ultimately the result of development.

65. **The Chair** said that the Committee would adopt its concluding observations in good faith with a view to helping the State party chart its way as it worked to implement the Covenant. He hoped and trusted that those concluding observations would be disseminated to policymakers in the country and would be given due consideration. He also hoped that the State party's next periodic report would be submitted in a timely manner. Lastly, he reminded the delegation that it had 48 hours to submit any further information in writing.

The meeting rose at 12.50 p.m.

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Fifty-eighth session

Summary record of the 36th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 15 June 2016, at 3 p.m.

Chair: Mr. Sadi

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Sixth periodic report of the United Kingdom

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Sixth periodic report of the United Kingdom (E/C.12/GBR/6; E/C.12/GBR/Q/6; E/C.12/GBR/Q/6/Add.1)

1. *At the invitation of the Chair, the delegation of the United Kingdom took places at the Committee table.*

2. **Mr. McPherson** (United Kingdom) said that the United Kingdom was committed to the advancement of human rights, fully supported the work of the United Nations human rights mechanisms, including the treaty bodies, and had formally launched its campaign for re-election to the Human Rights Council. The country had strong and vigorous civil society organizations, and they were prepared to hold the Government to account. The United Kingdom took the approach of progressive realization of economic, social and cultural rights and, although it tended not to incorporate international obligations such as those enshrined in the Covenant into the domestic legal order, the delegation was confident that the existing legal and policy framework fulfilled its obligations regarding economic, social and cultural rights. Public authorities in the United Kingdom had a range of legally enforceable duties in areas such as health, education and equality, and their decisions relating to the enjoyment of economic, social and cultural rights could be challenged by various mechanisms.

3. Responsibility for the implementation of the Covenant was shared among a number of government departments and administrations. The United Kingdom was a multinational country in which the Governments of Northern Ireland, Scotland and Wales had legislative responsibility for major areas of public policy, including health, education, housing and, in Northern Ireland and Scotland, justice. The Government of the United Kingdom had responsibility for England and, in certain other areas, including immigration, for the entirety of the United Kingdom. The delegation regretted that it had not been possible to respond to the Committee's questions concerning Northern Ireland and that a representative from that nation was not in attendance at the meeting. The Crown dependencies and overseas territories were not part of the United Kingdom, but it represented them at the United Nations. The Covenant had been extended to the three Crown dependencies and nine of the overseas territories.

4. **Mr. Schrijver** (Country Rapporteur) said that the Committee was grateful to the State party for the timely submission of useful documentation on its implementation of the Covenant and would also like to acknowledge the input of civil society organizations and national human rights institutions from the United Kingdom. The Committee had been informed that the Scottish Government planned to improve the incorporation of economic, social and cultural rights in line with Scotland's *National Action Plan for Human Rights*, that human rights enjoyed a special status in Northern Ireland as part of the Belfast Agreement, also known as the Good Friday Agreement, and that the Government of the United Kingdom intended to replace the 1998 Human Rights Act with a proposed British Bill of Rights. At the same time, reports had been received of the need to strengthen the protection of economic, social and cultural rights in some of the overseas territories and Crown dependencies. The Committee would appreciate some clarification of the situation. While considerable discretion could be exercised in the application of the Covenant across the four constituent nations of the United Kingdom, the Crown dependencies and the overseas territories, there could be only one State party and it alone bore ultimate responsibility for the implementation of the Covenant. The Committee would appreciate an

explanation of the rationale behind the Government's intention to replace the Human Rights Act by a British Bill of Rights, a prediction of its likely impact on the status, application and full enjoyment of economic, social and cultural rights, and confirmation that the change would not be regressive in character. Would the repeal of the Human Rights Act not jeopardize the Good Friday Agreement? The State party was to be congratulated for meeting the target of spending 0.7 per cent of gross national income on official development assistance. It would be helpful to know to what extent the State party's overseas development work was guided by a human rights approach and in particular the objective of promoting economic, social and cultural rights in developing countries. In its replies to the list of issues, the State party had informed the Committee that it would reflect on the recommendations made in the 2015 report published by the Equality and Human Rights Commission. Could the delegation now provide an update on its progress in respect of the full implementation of the 2010 Equality Act?

5. The Committee would like to know the extent to which migrants, asylum seekers and undocumented persons were entitled to a minimum level of protection for their economic, social and cultural rights in the form of overnight accommodation, food, access to health care and education for children. Information was needed on the measures taken to ensure that, once admitted, refugees and stateless persons were able to integrate effectively. Were they entitled to work and, if so, how many were working? The Committee noted with concern the significant and often cumulative impact of austerity measures on social security, access to justice, education and health care, which was felt most keenly by vulnerable and marginalized groups, including women, children, persons with disabilities, ethnic minorities and migrants. Recent data suggested that austerity measures had increased inequality. The Committee would like confirmation that, in line with the former Chair's letter on the severe impact of austerity measures on the enjoyment of economic, social and cultural rights, retrogressive measures would not be taken. The Committee would also like to know whether the State party was considering ratifying the Optional Protocol to the Covenant in order to provide individuals with a further means of redress and strengthen the protection of human rights at the global level.

6. **Mr. De Schutter** said that, in the light of the State party's duty under article 2 (1) of the Covenant to dedicate the maximum of its available resources to realize the rights enshrined therein, the Committee was concerned by some of the Government's recent budgetary decisions. While it was reducing the rates of corporate and inheritance tax, for example, it was, as exemplified by the introduction in 2016 of the Welfare Reform and Work Act, also expanding the application of austerity measures, which disproportionately affected the poorest families. What was the justification for those decisions? According to a report published jointly by the World Bank and the United Nations Office on Drugs and Crime in 2011, economic and political elites often hid money in the overseas territories of the United Kingdom, in particular the Cayman Islands and the British Virgin Islands. Although the State party had done much to increase the transparency of the global financial system, by, for example, introducing the 2015 Small Business, Enterprise and Employment Act and pledging to do more to combat tax evasion, the agreements reached between the Government and the overseas territories were nevertheless rather weak. Since the Cayman Islands and the British Virgin Islands fell under the jurisdiction of the United Kingdom, the Committee was surprised that more could not be done by the State party to combat financial crime. What were the Government's plans for addressing the problem, what obstacles did it face in that regard, and what further demands could be made of the overseas territories?

7. **Mr. Uprimny**, noting the lack of any response in the State party's replies to the list of issues to the questions concerning the application of the Covenant in Northern Ireland, said he would like to know how the State party ensured that economic, social and cultural rights were fully enjoyed in all the territories that it, as the State party, represented under the Covenant, irrespective of the complexities of its constitutional structure?

8. **Ms. Shin**, noting the updated common core document, said that, regarding gender inequality, more complete statistical information disaggregated by sex and ethnic background should be provided in the future. It had not, for instance, provided information on projects to increase the participation of women in decision-making positions in the public sector or the judiciary. The gender pay gap was still significant, despite a decrease over the previous few years. The Committee would like to know whether the regulations requiring companies with 250 or more employees to disclose how much they paid men and women had come into effect and, if not, when they would. Would they be extended to apply to smaller companies as well? It would also be helpful to know whether a system was being prepared to ensure equal remuneration for work of equal value. The Committee was concerned that the Equality Act recognized only one type of discrimination in any given case. How would it be possible for a woman with disabilities, for instance, to seek redress for multiple types of discrimination simultaneously?

9. **The Chair** said that the concept of progressive realization reflected in article 2 (1) of the Covenant was simply a recognition of the difficulties involved in ensuring full realization of economic, social and cultural rights. Certain rights were nevertheless so fundamental that a progressive approach towards their realization was inappropriate. Although the delegation judged that the State party's existing legal and policy framework fulfilled its obligations under the Covenant, the purpose of the meeting was to enable the Committee to make that judgment.

10. **Ms. Bras Gomes** said that, despite a decrease in the unemployment rate, certain vulnerable groups, including young people, women, persons with disabilities, migrants and ethnic minorities, continued to face difficulties in accessing the labour market, and the wages of workers in the cleaning and home-care sectors, most of whom were women, were low and sometimes not paid in full. What was the Government doing to help such workers? Migrants, who accounted for 16 per cent of all low-skilled employees, were less likely to be aware of their labour rights, including the rights to paid leave and sick pay, and were more likely to work for agencies. Funding for outreach programmes for migrant workers had also been cut. The State party lacked a single mechanism to monitor the enjoyment of the right to just and favourable conditions of work across all sectors and needed more effective measures for migrant workers.

11. While the Committee welcomed the increase in the national minimum wage, it was concerned that it applied only to people over the age of 25 and was insufficient to provide workers and their families with a decent standard of living, especially in the London area. She requested reassurance that the increase was not meant to compensate for the loss of social security benefits for the working poor. She noted that all the Committee's concerns about the national minimum wage applied equally to the national living wage.

12. She invited the delegation to comment on the assertion that one particular area in which conditions had deteriorated since the last interactive dialogue with the State party was the right to social security. It appeared that the cuts introduced in the 2015 budget had been made for political or moral reasons rather than reasons of economic necessity, which implied that they would be permanent; they also had a disproportionate impact on the rights of vulnerable groups. She asked how the State party reconciled the cuts with its obligation to progressively realize the right to social security and whether it could provide evidence that it had exhausted all alternatives before resorting to permanent cuts and four-year freezes.

13. She wished to know whether the Fresh Start agreement and the Welfare Reform Mitigations report in relation to Northern Ireland provided for a robust monitoring mechanism to ensure that the principles of non-retrogression and non-discrimination were applied. Echoing concerns raised by the NGOs with which the Committee had met, she asked what steps the Government was taking to use the public procurement budget to create

jobs and paid apprenticeships for the long-term unemployed and pointed out that revoking last-resort benefits was not in line with the Covenant.

14. **Mr. Martynov** asked what measures were being taken to fight unemployment among the most vulnerable groups and why the jobless rate remained so high despite government efforts. He also asked what requirements the Trade Union Act had introduced for the launching of industrial action. He said that he wished to know whether the recalculated social benefits would provide a decent standard of living, especially to persons with disabilities, women and older persons, and how they compared with living costs.

The meeting was suspended at 3.50 p.m. and resumed at 4.15 p.m.

15. **Mr. McPherson** (United Kingdom) said that the Government was not in the habit of legislating on matters that had been transferred to the devolved administrations; therefore, while the devolved administrations were required by law to honour the obligations of the United Kingdom, the Government did not believe it right to force them to contribute to the reporting process.

16. **Mr. Holmes** (United Kingdom) said that *Scotland's National Action Plan for Human Rights* contained a commitment to explore the potential benefits of further incorporating international treaties into the law of Scotland, a commitment reaffirmed by the First Minister at an innovation forum held in December 2015.

17. **Ms. Bridgeman** (United Kingdom) said that the overseas territories took their international obligations very seriously, but that, given their diversity, progress in the realization of economic, social and cultural rights would differ from one to another. Nevertheless, the United Kingdom was fully committed to working in partnership with them to strengthen compliance.

18. **Mr. McPherson** (United Kingdom) said that the Government had re-examined its position on the right of individual petition but remained unclear about its practical benefits, given the existence of a strong legal framework and effective remedies at the domestic level; the very low number of cases brought against the United Kingdom under the optional protocols it was a party to, all of which had been found inadmissible; and the lack of enforceable remedies, even where a violation was found.

19. **Ms. Ede** (United Kingdom) said that the Government would consult fully, including with the devolved administrations, on proposals for a British Bill of Rights to replace the Human Rights Act and that it would be wrong to pre-empt that consultation. However, the Bill of Rights would be faithful to the basic principles and rights enshrined in the European Convention on Human Rights and, by extension, to the Good Friday Agreement. The Government was of the view that the Human Rights Act opened the system up to abuse, damaging the credibility of human rights. The Bill of Rights would prevent abuse and restore an appropriate constitutional balance between the roles of Parliament, the domestic courts and the European Court of Human Rights in protecting human rights.

20. **Ms. Orme** (United Kingdom) said that the Equality Act provided comprehensive protection against direct and indirect discrimination, victimization and harassment. It also required public bodies to focus in particular on eliminating discrimination and advancing equal opportunity. The Government was still reflecting on the recommendations contained in the report of the Equality and Human Rights Commission.

21. **Ms. Stradling** (United Kingdom) said that Scotland had adopted a refugee integration strategy. Regarding support for migrant workers, she said that the Government of the United Kingdom published information on the rights of all workers on its website. Other sources of information, including for specific at-risk groups, such as foreign domestic workers and workers in the fresh produce sector, included the Advisory, Conciliation and Arbitration Service and the Gangmasters Licensing Authority.

22. **Ms. John** (United Kingdom) said that the Government of Wales had published a refugee inclusion strategy in 2008 which promoted the idea that inclusion began from the moment of arrival in the country. The refugee and asylum seeker delivery plan, in whose development a range of stakeholders had been involved, had been adopted in March 2016. The Government of Wales would continue to work with partners across sectors to ensure that the diverse needs of refugees were met.

23. **Mr. McPherson** (United Kingdom) said that the Government had adopted a new strategy on overseas development in November 2015, which was guided by four strategic objectives: strengthening global peace, security and governance; strengthening resilience to crises; promoting global prosperity; and tackling extreme poverty.

24. **Ms. Watkinson** (United Kingdom) said that the Government had published impact assessments in relation to the budget cuts introduced by the Welfare Reform and Work Act on its website in July 2015. It expected the welfare reforms to have a long-term positive impact by helping to get more people into work, providing greater support to people who were unable to work and making work financially attractive. The country continued to have in place a strong safety net, with more than £80 billion spent on working-age benefits annually. Furthermore, the Government continued to spend more on benefits for persons with disabilities — 6 per cent of total government expenditures — than it allocated to policing and defence combined. Since 2010, the proportion of people living in relative poverty who belonged to a family that included a person with disabilities had fallen. Regarding children, she said that the Act contained the Government's new approach to tackling poverty and transforming the life chances of the most disadvantaged children and families by addressing the root causes of childhood poverty.

25. **Mr. Holmes** (United Kingdom) said that, since April 2013, the Government of Scotland had invested £296 million to help disadvantaged and marginalized groups, including 200,000 pensioners and 86,000 single parents. The Scottish Welfare Fund had spent £89 million on community care grants and crisis grants for 191,000 households, including 63,000 with children. One third of households who received assistance were classed as vulnerable and had a member with physical or mental health problems. A further £23 million had been allocated to measures such as guidance on maximizing income and transitioning to new benefits and the Emergency Food Action Plan.

26. **Ms. Bridgeman** (United Kingdom) said that, under constitutional law, Parliament had unlimited powers to legislate for the overseas territories, including without their explicit consent. However, the Government believed that working in partnership with the territorial governments was the most effective way forward in addressing tax evasion. The overseas territories had agreed to provide United Kingdom law enforcement and tax agencies with full access to information on the ownership and control of companies incorporated in their territory.

27. **Ms. Delves** (United Kingdom) said that the current parliament was the most diverse in history: there were more women members of Parliament than ever before and one third of the Cabinet was composed of women. The Government was committed to continuously improving the public appointments process and had set the goal that half of new appointments should be of women. The proportion of women in the civil service had increased to 53.9 per cent in 2015, while the proportion of women on government departmental boards stood at 33 per cent, higher than on the boards of companies listed on the Financial Times Stock Exchange. The Government was working with schools and industry to inspire children to challenge stereotypes. In that regard, it had published revised school guidance on careers and an online guide for parents to help their daughters make subject and career choices independently of gender stereotypes. The Equality Act allowed for discrimination claims to be brought on more than one ground. The gender pay gap remained at 19.2 per cent, and the Government would be requiring larger employers to

publish information about bonuses for men and women as part of mandatory pay gap reporting starting in April 2017. There were plans to extend gender pay gap reporting beyond the private and voluntary sectors to include the public sector.

28. **Mr. Holmes** (United Kingdom) said that tackling gender inequality was a priority for the Government of Scotland, as illustrated by the adoption of measures to close the pay gap, eliminate discrimination on grounds of pregnancy and maternity, and remove employment tribunal fees. The Partnership for Change had been launched in June 2015 to encourage companies to achieve gender balance on their boards by 2020; 180 had joined the network thus far. Since February 2016, public authorities with as few as 20 employees, down from 150, were required to report on the gender pay gap every two years. In addition, the Government of Scotland would be tabling legislation to require gender balance on the boards of public bodies. The Fair Work Convention, which was made up of representatives of business, trade unions and the voluntary sector, supported women in the workplace. Over £600,000 had been earmarked in 2015/16 to address occupational segregation and encourage girls to consider a career in the sciences, engineering, technology or mathematics. Funding was also being provided to improve the quality and flexibility of early childhood education and increase its availability from 475 to 600 hours per year for all 3- and 4-year-olds and one quarter of 2-year-olds.

29. **Ms. Johr** (United Kingdom) said that the Public Sector Equality Duty required all public sector employers in Wales to address pay and employment differences that affected all those with protected characteristics. In addition, all public sector employers with more than 150 employees had to report annually on disparities in pay. Those that found a pay gap had to set a pay equality objective and, if gender appeared to be the reason for the gap, to design an action plan containing goals and a time frame. The Government of Wales supported the Agile Nation 2 programme on career development for women and was spearheading a programme of action to increase diversity on public sector boards.

30. **Mr. Barrell** (United Kingdom) said that the national minimum wage and the national living wage were designed to protect low-income workers from all sectors and to weigh the incentive to work and affordability for businesses against sufficiency. They were an essential part of moving to a higher wage, lower tax and lower welfare society, ensured that work was financially rewarding and reduced reliance on the benefit system. The goal was to reach a national minimum wage of 60 per cent of median earnings by 2020, as recommended by leading experts. Setting different minimum wages according to age helped protect the employment prospects of younger workers while developing their skills and experience. The budget for revenue and customs enforcement had been raised by £7 million in 2016/17, the penalty for non-compliance with the national minimum wage had been increased from 100 per cent to 200 per cent of arrears and a new post of director of labour market enforcement was to be established.

31. **Mr. Holmes** (United Kingdom) said that the Scottish Government paid the Scottish Living Wage to its staff and encouraged other employers to do so. There were currently over 500 employers accredited under the Scottish Living Wage scheme and a target of 1,000 had been set for late 2017, with additional funding of £300,000 allocated. The Procurement Reform (Scotland) Act 2014 placed an obligation on authorities engaged in procurement and contracting activities to consider how to address fair work practices as part of public procurement.

32. **Mr. Barrell** (United Kingdom) said that the Trade Union Act had introduced a requirement that at least 50 per cent of those entitled to vote must do so for a ballot on industrial action to be valid. In important public services such as the fire service or border security bodies, a strike could only be agreed to if at least 40 per cent of those eligible to vote were in favour. The Government believed that to be a way of restoring public

confidence in the democratic legitimacy of industrial action and balancing the interests of trade union members, businesses and the general public.

33. **Ms. Watkinson** (United Kingdom) said that, to achieve its target of finding employment for 1 million more persons with disabilities, the Government had maintained or increased spending on programmes such as the Access to Work scheme, which provided support and specialist equipment that went beyond the reasonable adjustments required of employers under the Equality Act 2010. The scheme had supported over 36,000 persons in remaining in or finding employment from 2014 to 2015. Forthcoming policies to increase the employment of people from ethnic minority communities by 20 per cent by 2020 would address barriers, develop tools, promote best practices and incorporate the needs of such persons into existing and planned employment, apprenticeship and training programmes. For young people, the Youth Obligation for 18-21-year-olds would help them develop skills to enable them then to progress into employment.

34. Many disability-related elements of the benefits system were still uprated by the Consumer Price Index, and the Employment and Support Allowance and Universal Credit had been maintained. Households with a member who received any of a number of such allowances were exempt from the benefits cap. The Government spent around £50 billion per year on benefits to support persons with disabilities or health conditions, with total expenditure on such persons exceeding the Organization for Economic Cooperation and Development average. Although the analysis published by the Treasury included the impact of health spending, employment support and investments in infrastructure as well as welfare spending for persons with disabilities, it did not incorporate information on disability status, making it impossible to produce a cumulative impact assessment of the relevant policies.

35. The Government had fully assessed the impact on equality of both the Welfare Reform and Work Act 2016 and the budget and could confirm that its obligations under the Public Sector Equality Duty were being met. Stakeholders had also been consulted. In respect of child poverty, the Act had introduced new measures on worklessness and educational attainment and had removed the previous income-based criteria. Focus was being put on increasing incentives to work and ensuring that people were given the skills and opportunities necessary to move into employment. It was clear from the evidence review published by the Government that education was the biggest single factor in ensuring that poor children did not become poor adults. Most benefits were now processed on time and fewer sanctions were imposed. The Government was examining the reasons for the persistently high unemployment rates among certain groups with a view to adopting improved policies.

36. **Mr. Holmes** (United Kingdom) said that schemes in Scotland to improve access to employment included modern apprenticeships, after completing which more than 90 per cent of former apprentices were still in employment six months later. An Equalities Action Plan for Modern Apprenticeships had been drawn up in 2015 with support from civil society to improve the participation of underrepresented groups, such as people from ethnic minorities, care leavers and persons with disabilities, and to address gender imbalances in subjects such as science, engineering, maths and technology. The Scottish youth employment strategy had been developed to support young people in transitioning from education into sustainable, productive employment and a number of schemes targeted certain groups, such as those who had been in care, had criminal records or had a disability or health condition, involving employers as well as the young people themselves.

37. **Ms. Ravenberg** said that the Committee was concerned by reports that older people were being abused and neglected in care homes in England and Wales. How had the relevant recommendations of the Equality and Human Rights Commission been implemented and what had their impact been? The Committee had been informed that, in

England, health care was not always affordable and accessible for vulnerable groups, such as refugees and undocumented migrants, with exemptions to charges not always properly applied. There seemed to be discrimination in access to care and the Committee would be grateful for additional information regarding steps taken to remedy that situation, especially in respect of members of the Roma, Gypsy and Traveller communities, asylum seekers, migrants and transgender people, by facilitating their registration with general practitioners and collecting and maintaining data on their health outcomes. It was also important to ensure that health-care professionals received the necessary training to be able to provide appropriate and effective care to those groups. Would the Government consider ceasing to apply charges to undocumented immigrants who did not have funds?

38. It had been reported that, despite an increase in demand for mental health services in England and Wales, funding for them had been cut, leading to long waiting times and three quarters of persons with mental health problems in the State party not receiving any help at all. Concern had also been expressed about the situation in Scotland. The Committee had received information about increasing numbers of non-natural deaths in prison facilities and shortcomings in mental health care for prisoners. What was being done to address the problem and had the Government considered adopting the Human Rights Measurement Framework developed by the Equality and Human Rights Commission? The Committee would like to learn more about the functioning of the Healthcare Safety Investigation Branch and whether its work had been evaluated. Would the Government consider expanding the Branch's remit to incorporate oversight of independent investigations into non-natural deaths of detainees?

39. The Committee had also received information to indicate that the Mental Health Act allowed children with mental health problems to be detained in police stations, as had happened to about 236 children in 2013. Would the Act be amended in order to ensure that children were able to enjoy their right to achieve the highest attainable standard of mental health? It would also like to know whether the recommendations of the House of Commons Health Committee on the availability of data on children's mental health, the prioritization of early intervention and improving outpatient services had been implemented. The delegation should provide further details on the procedures followed in Northern Ireland to ensure that timely and appropriate health care was provided to persons experiencing mental health crises in emergency departments. Finally, the Committee would like to hear how the State party planned to increase the funding for mental health services in real terms, to ensure uniform protection throughout the State.

40. **Mr. Pillay** said that the Committee would be interested to know what remedial measures were being implemented to ensure that over 1 million people did not live in absolute destitution, as had been claimed by the Joseph Rowntree Foundation, and what targeted anti-poverty policies had been implemented to support those at greatest risk, such as single parents, persons with disabilities, older persons and religious and ethnic minorities. Had the results of such policies been published?

41. The Committee would welcome further explanation of why the Life Chances Act had repealed the State's duty of accountability to meet time-bound targets on child poverty and to develop a comprehensive child poverty strategy, given that the Institute for Fiscal Studies had pointed out that the combined effect of tax and social benefit policies was expected to increase child poverty by 50 per cent, with 18.3 per cent of children likely to be living in absolute poverty by 2020. Had special measures been taken to combat child poverty in Northern Ireland, where the rate was twice as high as in the rest of the State and concerned Catholic children more than Protestant children?

42. The Special Rapporteur on adequate housing had referred to the critical situation in the State party in terms of the availability and affordability of adequate housing, waiting lists for social housing had increased and the private rental market was expensive and

poorly regulated. Evictions were a common response to tenants denouncing the poor conditions of their rental housing and reports spoke of a high number of people living in poor housing which was overcrowded, damp or cold. Had specific measures been taken to deal with the shortcomings in housing and the lack of adequate social housing units?

43. It would be useful to learn whether the State party intended to adopt immediate measures to address the high levels of homelessness, especially among disadvantaged and marginalized groups and to ensure that there were adequate places available in hostels and other shelters, to strengthen the rights of tenants in social housing and the private rental market and to provide adequate benefits to those unable to afford the increasing costs of housing.

44. **Ms. Shin** said that the Committee was disappointed to note the lack of information on Northern Ireland and would like to know why that was the case. The State party was to be commended on increasing funding for childcare under the Childcare Act 2016 but she noted with concern that it would not apply to care for children under 2 years of age. She would welcome information on how parental leave was shared between mothers and fathers and the percentage of fathers who took advantage of parental leave or flexible working hours.

45. It would be interesting to learn whether the State party had collected data on domestic and gender-based violence targeting women and girls with disabilities and if there was a special policy to protect that group. She would also like to know whether the Government had considered abolishing the rule that seriously restricted the ability of persons to bring their family members, including dependent elderly relatives, into the State party, which violated the right to family reunion. Lastly, did the Government have any plans to decriminalize abortion in Northern Ireland?

46. **Mr. De Schutter** said that reports indicated that 8.4 million households in the State party were considered to be living in a situation of food insecurity, meaning that they were unable to afford healthy diets. The obesity rate, which was the highest in the European Union, was a major cause of disease and the poorest households were becoming increasingly dependent on assistance from charities and food banks. It appeared that the Good Food Nation strategy focused mainly on agricultural production and exports. While the introduction of a sugar tax was welcome news, he would like to know whether there were specific strategies in place to ensure that all families had access to adequate diets.

47. He would also be interested to learn whether the State party had any plans for stricter regulation of the marketing of unhealthy foods to children. Although advertising for such products was prohibited during children's television programmes, many children also watched other programmes that were subject to no such restrictions. There was no definition of unhealthy lifestyles in the United Kingdom Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing and in reality food manufacturers still advertised unhealthy products widely to children.

48. **Mr. Uprimny** asked whether research findings that suggested a link between cuts to benefit payments for low-income pensioners and a rise in the death rates of people over 85 were not a sign that the Government should consider rolling back at least some austerity measures.

49. He said he would like to know what strategies the Government had put in place to address the widening gap in educational achievement between rich and poor. He would welcome a comment from the delegation on the impact of the introduction of the 16 to 19 Bursary Fund, which had replaced the Education Maintenance Allowance in England, and on the substantiated claims that growing inequality in the State party was undermining its people's enjoyment of such social rights as the right to education. He wished to know whether universities would continue to charge tuition fees and, if so, what steps had been

taken to combat inequality in access to higher education. He also wondered whether the State party intended to evaluate the impact of its actions on the enjoyment of the right to education in other countries, where its development assistance funds often subsidized the operations of for-profit schools operated by such companies as Bridge International Academies.

50. In connection with cultural rights, he wished to know what steps had been taken to promote the development of the Irish language in Northern Ireland and what the authorities in Scotland had done to promote the right of children and other young people to take part in cultural life.

51. **The Chair** asked whether the Government was of the view that the cultures of the many minority groups in the State party were incompatible with its mainstream culture and that that incompatibility had prevented the full integration of those groups.

52. **Mr. Kedzia** said that he would appreciate further information about the Government's action plan to implement the Guiding Principles on Business and Human Rights. In particular, he wondered how the corporate sector had reacted to official efforts to ensure that the Principles were respected and whether the execution of the action plan entailed the development of an accountability mechanism. The delegation should comment on statements in the plan that seemed to suggest that the Government of the United Kingdom viewed the regulation of the overseas conduct of companies domiciled in its territory as an option it could exercise when other interests did not discourage it from doing so, rather than as a duty.

53. **Mr. Chen** said that he would welcome a further explanation of why the State party did not intend to develop a national human rights action plan covering the United Kingdom, its overseas territories and the Crown dependencies.

54. **Mr. De Schutter** said that he would appreciate more information about the tax agreement that the Government had reached with a number of the overseas territories in December 2015. He asked why greater efforts were not being made to combat the tax evasion facilitated by offshore financial centres under its jurisdiction.

55. **Ms. Bras Gomes** said that she would appreciate an answer to her question about how the State party reconciled austerity-driven budget cuts with its obligation to progressively realize the right to social security. She also wished to know exactly what criteria had been used to set the minimum wage, whether it was high enough to provide workers and their families with an adequate standard of living and whether a mechanism had been established to study the impact of the minimum wage on the wage gap between men and women and the proportion of women in low-paid work. Lastly, she would welcome additional evidence of the accuracy of the Government's assertions that the Trade Union Bill did not constitute an infringement of the right to organize.

56. **Mr. Martynov** said that he would appreciate a comment from the delegation on how the recent introduction of substantial fees for submitting claims to the State party's employment tribunals related to its obligations under the Covenant.

57. **Mr. Schrijver** said that the Head of Delegation, in explaining that the United Kingdom had a strong legal system and that very few complaints against the United Kingdom were submitted at the international level, had in fact been making excellent arguments not against but for ratifying the Optional Protocol to the Covenant. He therefore urged the State party to reconsider its position.

58. He would welcome an explanation from the delegation of the Government's view of its responsibility for preventing human rights violations in such countries as Yemen, which was currently the target of a deadly military intervention led by Saudi Arabian forces armed in part by exporters whose main offices were in the United Kingdom. Lastly, he would

appreciate a comment on the rights to food, health care and accommodation, as they were enjoyed by asylum seekers in England in particular.

The meeting rose at 6 p.m.